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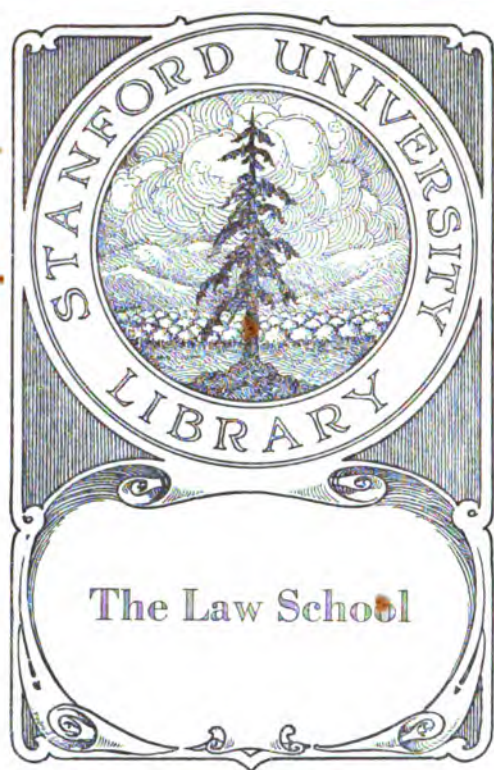
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*New York (Colony) Laws, statutes*

# L A W S

OF THE

## COLONY OF NEW YORK,

Passed in the Years 1774 and 1775

FOURTEENTH AND FIFTEENTH GEORGE III.



REPUBLISHED UNDER DIRECTION OF

FREDERICK COOK, SECRETARY OF STATE,

PURSUANT TO CHAPTER ONE HUNDRED AND SEVENTY-ONE, LAWS OF  
EIGHTEEN HUNDRED AND EIGHTY-EIGHT.



ALBANY:

JAMES B. LYON, PUBLISHER.  
1888.

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SEP 17 1932

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## CHAPTER 171.

AN ACT to provide for the publication of the Session Laws of the Colony of New York for the years seventeen hundred and seventy-four and seventeen hundred and seventy-five.

APPROVED by the Governor April 25, 1888. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Secretary of State is directed to republish, verbatim, preserving the original spelling and punctuation, the Session Laws of the Colony of New York, passed during the years seventeen hundred and seventy-four and seventeen hundred and seventy-five.

§ 2. The re-publication shall be in one octavo volume, with an index and of a material equal in size and quality to the Session Laws of eighteen hundred and eighty-seven.

§ 3. The edition shall consist of one thousand copies and shall be distributed as follows: Two copies to each judicial district library; one copy to the clerks office of each county; one copy to each justice of the Supreme Court, and each judge of the Court of Appeals; two copies to each legislative library, and one to each State department; two hundred copies to the trustees of the State library, for literary and scientific exchanges, and one to each member of the Legislature. The remainder shall be delivered to the trustees of the State library, and such trustees shall reserve sufficient copies for the future use of the State, and in their discretion sell the balance at a price to be fixed by them, and pay the proceeds into the treasury of the State.

§ 4. The sum of seven hundred and fifty dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to carry this act into effect, and the same shall be paid by the treasurer, on the warrant of the comptroller, in such sums and to such persons as the Secretary of State shall approve.

§ 5. The title page of the volume shall state that it was published pursuant to this act, and the same may be cited in any action or proceeding with the same force as the original edition.

§ 6. This act shall take effect immediately.

STATE OF NEW YORK,  
OFFICE OF THE SECRETARY OF STATE, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FREDERICK COOK,  
Secretary of State.

STATE OF NEW YORK,  
OFFICE OF THE SECRETARY OF STATE, } ss.:

I hereby certify that the Laws, contained in this volume, were republished by me pursuant to Chapter one hundred and seventy-one of the Laws of eighteen hundred and eighty-eight.

FREDERICK COOK,  
Secretary of State.



L A W S  
OF THE  
COLONY OF NEW YORK.\*

XIV GEORGE III.

WILLIAM TRYON, ESQ., GOVERNOR, 1774.

Chapter I.

AN ACT further to continue an Act entitled, "An Act for granting to his Majesty the Several Duties and Impositions on Goods Wares and Merchandizes imported into this Colony therein Mentioned."

PASSED the 8th of February 1774.

WHEREAS the several Duties and Impositions on Goods Wares and Merchandizes imported into this Colony and granted for the support of the Government of his late Majesty King George the Second by the abovementioned Act, have by several subsequent Acts been continued to the first Day of February one thousand seven hundred and seventy four, and the General Assembly being willing to make Provision for the further support of his Majesty's Government,

*Be it therefore Enacted by his Excellency the Governor, the Council and the General Assembly and it is hereby enacted by the Authority of the same* That the abovementioned Act, entitled, "An Act for granting to his Majesty the several Duties and Impositions on Goods Wares and Merchandizes imported into this Colony therein mentioned," passed in the twenty seventh Year of his late Majesty's Reign, shall be and is hereby continued and every Clause Matter and Thing therein contained, enacted to be and remain in full force, to all Intents, Constructions and Purposes whatsoever until the first Day of February which will be in the Year of our Lord one thousand seven hundred and seventy five inclusive; and that Nicoll Havens of Shelter Island in Suffolk County, be the Officer appointed to collect the Colony Duties in the said County in the abovementioned Act.

Act of 27th  
George 2d,  
granting  
duties,  
etc., con-  
tinued in  
force to  
February  
1, 1775.

Collector  
of Colony  
duties for  
Suffolk  
county.

\* NOTE BY SECRETARY OF STATE.—So far as can be ascertained, only two printed copies of the volume of Laws of 1774-1775 are known to be in existence—the one copy (an imperfect copy) in the State Library at Albany, N. Y., and the other copy in the Congressional Library at Washington, D. C.

The copies referred to, are "Printed by H. Gaine, Printer to the King's Most Excellent Majesty, in the Province of New York."

Proviso.  
as to cer-  
tain im-  
portations

*Provided always,* That so much of the first Clause or Section of said Act, as relates to European or East India Goods imported from the British Islands into this Colony, shall be construed, taken and deemed to be from the British Islands in America only, any Thing in the said Act to the contrary hereof notwithstanding.

## Chapter II.

AN ACT to enable posthumous Children to take Estates as if born in their Father's Lifetime.

PASSED the 8th of February 1774.

Preamble.

WHEREAS it often happens that by marriage and other Settlements, Estates are limited in remainder to the Use of the Sons and Daughters the Issue of such marriage, with Remainder over without limiting an Estate to Trustees to preserve the contingent Remainders limited to such Sons and Daughters; by which means such Sons and Daughters, if they happen to be born after the Decease of their Father, are in Danger to be defeated of their Remainder, by the next in Remainder after them, and left unprovided for by such Settlements, contrary to the Intent of the Parties that made those Settlements,

*Be it Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the authority of the same,* That where any Estate already is, or shall hereafter by any marriage or other Settlement be limited in remainder to, or to the use of the first or other Son or Sons of the Body of any Person lawfully begotten, with any Remainder or Remainders over to, or to the use of any other Person or Persons; or in Remainder to, or to the use of a Daughter or Daughters lawfully begotten with any Remainder or Remainders to any other Person or Persons, that any Son or Sons, or Daughter or Daughters of such Person or Persons lawfully begotten or to be begotten, that shall be born after the Decease of his, her, or their Father, shall and may by virtue of such Settlement, take such Estate so limited to the first and other Sons, or to the Daughter or Daughters in the same Manner as if born in the Lifetime of his, her or their Father, although there shall happen no Estate to be limited to trustees after the Decease of the Father, to preserve the contingent Remainder to such afterborn Son or Sons, Daughter or Daughters, until he she or they come *in esse*, or are born, to take the same, any Law or usage to the contrary in any wise notwithstanding.

Posthu-  
mous  
children  
rights of  
to take  
estates, in  
certain  
cases.

Proviso.

*Provided always,* That nothing in this Act shall extend, or be construed to extend to divest any Estate in Remainder, that by virtue of any Marriage or other Settlement is already come to the Possession of any Person or Persons, or to whom any Right is accrued though not in actual Possession by Reason or Means of any afterborn Son or Sons or Daughter or Daughters not happening to be born in the Lifetime of his, her or their Father.



## Chapter III.

AN ACT to appoint Commissioners for collecting the Duty of Excise on strong Liquors retailed in this Colony from the first Day of February one thousand seven hundred and seventy-four, to the first Day of February one thousand seven hundred and seventy-five inclusive.

PASSED the 8th of February 1774.

BE IT ENACTED by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That the several and respective Persons and Officers herein after named, shall be and are hereby appointed Commissioners for collecting the Duty of Excise laid by an Act entitled, "An Act to lay a Duty of Excise on Strong Liquors in this Colony, and to appropriate the Money arising therefrom," passed the eighth Day of March in the Year of our Lord one thousand seven hundred and seventy-three; of and from the several Retailers of Strong Liquors within the several Cities, Counties Towns, Boroughs, Manors, Precincts and Districts, and the Harbours, Bays and Rivers thereunto adjoining or belonging in this Colony, for which they shall be respectively appointed, from the first Day of February in the Year of our Lord one thousand seven hundred and seventy-four, to the first Day of February which will be in the Year of our Lord one thousand seven hundred and seventy-five inclusive, That is to say,

Commissioners for collecting excise on strong liquors.

In New York city and county.  
Albany city and county.  
Ulster county.

Dutchess county.

Orange county.

Richmond.

Kings.

Queens.

Tryon.

Cumberland.

Cortlandt Manor of.

West Chester.

Philipsburgh.

Part of West Chester Co

For the City and County of New York Cornelius Clopper Esquire.

For the City and County of Albany, Peter Lansing, and Gysbert G. Marcellis Esquires.

For the County of Ulster Joseph Gashery and James McClagrie Esquires.

For the County of Dutchess the Supervisor, and Assessors in each Precinct respectively for the Time being.

For the County of Orange as follows, for Haverstraw Precinct, David Pye Esquire; for Orange Town John Perry Esquire; for Goshen Precinct William Ellison Esquire, and for Cornwall Precinct Daniel Coleman Esquire.

For Richmond County John Micheau and Christian Jacobson Esquires.

For Kings County, Theodorus Polhemus Esquire.

For Queens County, Benjamin Townshend and Samuel Clowes Esquires.

For Suffolk County, Colonel William Smith, and Samuel Landon Esquires.

For Tryon County, Jellis Fonda and John Frey Esquires.

For Cumberland County the Judges of the Inferior Court of Common Pleas in said county.

For the Manor of Cortlandt and Rykes Patent in the County of West Chester, Hachaliah Brown Esquire, with three or more of the Justices of the Peace residing on the said Manor, or on the said Patent.

For the Borough Town of West Chester, the Mayor thereof for the Time being.

For the Manor of Philipsburgh in the County of West Chester, William Davids, Isaac Deane, Israel Underhill and Gabriel Purdy Esquires.

And for the remaining Part of West Chester County Stephen Ward, and John Thomas Junior Esquires.

## Chapter IV.

AN ACT to impower the Mayor Recorder and Aldermen of the City of New York, or the major Part of them, to order the raising a sum not exceeding eighteen hundred Pounds for the uses therein mentioned.

PASSED the 8th of February 1774.

**Preamble.** WHEREAS the providing a sufficient number of Watchmen and lighting of Lamps within the City of New York, has not only been found convenient, but also necessary for the safety of its Inhabitants and others,

*Be it therefore Enacted by his Excellency the Governor, the Council and General Assembly, and it is hereby enacted by the Authority of the same* That the Mayor Recorder and Aldermen of the City of New York for the Time being, or the major Part of them whereof the Mayor or Recorder to be one, shall have full Power and Authority, and are hereby fully impowered and authorized, on the Second Tuesday in the Month of February one thousand seven hundred and seventy-four, or within twenty Days thereafter, to order the raising a Sum not exceeding eighteen hundred Pounds, by a Tax on the Estates real and personal of all and every the Freeholders, Freemen, Inhabitants Residents and Sojourners within the City of New York on the South Side of Fresh-Water for the payment of so many Watchmen as the Mayor Aldermen and Commonalty of the City of New York shall think necessary for guarding the City, and for purchasing Oil, providing Lamps, and for repairing and attending the Lamps which now are or hereafter may be erected; which Sum of eighteen hundred pounds, shall be rated and assessed by the Vestrymen who shall rate and assess the Tax for the Minister and Poor of the said City, the Vestrymen first taking the Oath prescribed to be taken in and by an Act entitled "An Act to enable the Inhabitants of the City of New York to choose annually two Vestrymen for each respective Ward within the said City," made and passed in the nineteenth Year of the Reign of his late Majesty King George the second, and the Tax so to be laid shall be collected, levied and paid at the same Time as the Tax for the Minister and Poor of the said City hath been accustomed into the Hands of the Church Wardens of the said City for the Time being, who are hereby required and directed to pay the same into the Hands of the Chamberlain of the said City, to be by him paid as shall be directed by Warrant or Warrants of the said Mayor Aldermen and Commonalty in Common Council convened for the Uses aforesaid.

*And be it further Enacted by the Authority aforesaid,* That over and above the Sum of eighteen hundred pounds to be levied and Paid by virtue of this Act, the Sum of three Pence in the Pound as a Reward to the Constables for their Trouble, shall be assessed levied and paid to the respective Constables for collecting and paying the same, and no more, according to the true Intent and Meaning of this Act, any Thing herein or in any other Act or Acts contained to the contrary hereof in any wise notwithstanding.

*And be it further Enacted by the Authority aforesaid,* That if the said Mayor Recorder or Aldermen, Church-Wardens, Vestrymen or Constables of the said City who are hereby authorized impowered and required to take effectual care that this Act be executed according to

Authority to raise £1,800, for payment of watchmen and lighting lamps.

Assessments, how made, levied and collected.

To whom payable.

How disbursed.

Collection fees for constables

the true Intent and Meaning thereof, or any of them shall deny, refuse or delay to perform, execute or comply with all or any of the Powers, Authorities and Duties in this Act given and required to be done and performed by them or either of them, and thereof shall be lawfully convicted in any Court of Record in this Colony, he or they so denying refusing or delaying to perform the Duties as aforesaid shall suffer such Pains and Penalties by Fine and Imprisonment, as by the Discretion of the Court shall be adjudged.

Non-compliance with provisions of this act, how punished, on conviction

And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall wilfully break or damage any of the Lamps whether private or public, now erected or hereafter to be erected within the said City, he she or they so offending shall forfeit the Sum of twenty Pounds for every Lamp he she or they shall damage or break as aforesaid to be levied by Warrant or Warrants under the Hands and Seals of two or more of his Majesty's Justices of the Peace for the City and County of New York by Distress and Sale of the Offenders Goods and Chattels on due Conviction made upon the Oath of one or more credible Witness or Witnesses, rendering the Overplus, if any there be, to the Owner or Owners, and for want of such Distress, the Offender or Offenders shall be imprisoned by Warrant under the Hands and Seals of the said Justices, who are hereby required to issue the same, for the Space of three Months unless the said Forfeiture or Forfeitures be sooner paid, which Forfeitures shall be applied towards providing and repairing of Lamps and paying the Watchmen.

Penalty for wilful injury to lamps.

Collection thereof, how enforced.

Imprisonment of offenders in certain cases.

Forfeitures recovered, how applied.

Direction of watchmen, etc.

And be it further Enacted by the Authority aforesaid, That all such Persons as shall be employed to guard the City and attend the Lamps shall be under the Direction of, and obey such Orders as they shall from Time to Time receive from, the Mayor Aldermen and Commonalty of the said City, any Custom Law or Usage to the contrary thereof in any wise notwithstanding.

## Chapter V.

AN ACT to continue an Act entitled "An Act to prevent the Danger arising from the pernicious Practice of lodging Gunpowder in Dwelling Houses, Stores, or other Places within the City of New York, or on board of Vessels within the Harbour."

PASSED the 8th of February 1774.

WHEREAS the Act entitled "An Act to prevent the Danger arising from the pernicious practice of lodging Gunpowder in Dwelling Houses, Stores or other places within the City of New York, or on board of Vessels within the Harbour, passed in the twelfth Year of his present Majesty's Reign, will expire by its own limitation on the twenty fifth Day of March one thousand seven hundred and seventy four; and the same being found useful and necessary,

Be it therefore Enacted by his Excellency the Governor, the Council, and the General Assembly, and it is hereby enacted by the Authority of the same, That the said Act shall be, and is hereby continued, and every Clause,

Act continued in force to February 1, 1786.

Matter and Thing therein contained, enacted to be and remain in full force to all Intents Constructions and Purposes whatsoever, until the first Day of February which will be in the Year of our Lord one thousand seven hundred and eighty five.

## Chapter VI.

AN ACT for the better fixing and ascertaining the Division Line between Montgomerie Ward and the Out Ward of the City of New York, on the Easterly Side of Montgomerie Ward.

PASSED the 8th of February 1774.

**Preamble.** WHEREAS the Line of Division between Montgomerie Ward and the Out Ward of the City of New York on the Easterly Side of Montgomerie Ward, by the Charter granted by his late Majesty King George the second to the said City, was a Rivulet that run from Fresh Water into the East River until the said Rivulet emptied itself into the said East River, and from thence to run a South East Line four hundred Feet beyond low Water Mark into the said East River, *And Whereas* the said Rivulet has been long since filled up, and Disputes have arisen of late, about the Place where it did run; to avoid which for the future, and to fix the said Line of Division with more certainty,

Division line between Montgomerie Ward and the Out Ward.

Westerly side of line to be Montgomerie Ward.

Easterly side of line, to be Out Ward.

*Be it Enacted by his Excellency the Governor, the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That* from and after the passing of this Act, the Division between the said Montgomerie Ward, and the Out Ward on the Easterly Side of Montgomerie Ward, shall be a Line, Beginning at the most Northerly Corner of Montgomerie Ward, where it joins the North Ward as fixed by the abovementioned Charter, at the Place where the Rivulet formerly run from Fresh Water, now near the Tanyards, and shall run from thence to the Middle of a Street which runs Southerly along the East Side of Land belonging to George Janeway; thence through the Middle of said Street, Southerly to the Middle of the Bowry Lane, thence Easterly along the Middle of the Bowry Lane until it comes opposite to the Middle of Roosevelt Street, and from thence to run Southerly through the Middle of Roosevelt Street until it comes to the Middle of Rutgers Street, and from thence to run Easterly through the Middle of Rutgers Street until it comes to the Middle of Saint James's Street, and from thence to run through the Middle of Saint James's Street, South six Degrees East as the Magnetic Needle now points, so far into the East River as the Corporation of the City of New York have, or may have Right to the Soil under Water; And the Westerly Side of said Line shall be deemed and taken to be Montgomerie Ward, and the Easterly Side thereof shall be deemed and taken to be the Out Ward, any Law or Usage to the contrary thereof in any wise notwithstanding.

## Chapter VII.

AN ACT to enable the Mayor Recorder Aldermen and Commonalty of the City of Albany for the Time being, or the major Part of them, to order the raising a Sum not exceeding one hundred and sixty Pounds for the Purposes therein mentioned.

PASSED the 8th of February 1774.

WHEREAS the establishing of a regular well constituted Night Watch, Preamble. and lighting of Lamps within the City of Albany, has not only been found convenient, but also necessary for the safety of its Inhabitants and Others,

*Be it therefore Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same* That the Mayor Recorder Aldermen and Commonalty of the City of Albany for the Time being, or the major Part of them, whereof the Mayor or Recorder to be one, shall have full Power and Authority, and are hereby fully impowered and authorized at any Time before the last Day of March one thousand seven hundred and seventy-four, to order the raising a Sum not exceeding one hundred and sixty Pounds by a Tax upon the Estates real and personal lying and being within the said City, of all and every the Freeholders, Freemen Inhabitants, Residents and Sojourners living within a half Mile of Hudson's River, and to the North of a West Line drawn from the old Fort, for the Payment of so many Watchmen and Lamps, as the Mayor Recorder Aldermen and Commonalty of the said City in Common Council convened shall think necessary for guarding the said City and lighting the Lamps in the same, which Tax so to be laid, shall be rated and assessed at the same Time, and by the Assessors who shall rate and assess the Tax which shall be raised by virtue of an Act of the Governor, the Council and the General Assembly of the Colony of New York entitled, "An Act for the better explaining, and more effectual putting in Execution an Act of the General Assembly made in the third Year of the Reign of their late Majesties King William and Queen Mary entitled An Act for defraying the Public and necessary Charge throughout this Province, and for maintaining the Poor and preventing Vagabonds," made and passed the nineteenth Day June one thousand seven hundred and three, the Assessors first taking the Oath prescribed to be taken by the last mentioned Act, and the Tax so to be laid shall be collected levied and paid by the same Collector, and at the same Time as the Tax raised by virtue of the Act aforesaid hath been accustomed, and shall be paid into the Hands of such Persons as the said Mayor, Recorder, Aldermen and Commonalty in Common Council convened shall appoint, for the Uses aforesaid.

Authority to raise £160 for payment of watchmen and lighting lamps.

Assessments, how made levied and collected.

To whom payable.

*And be it further Enacted by the Authority aforesaid,* That the Collector shall retain in his Hands three Pence in the Pound for every Pound so raised by virtue of this Act, as a Reward for his Trouble in collecting and paying the same, and no more.

Collection fees.

*And be it further Enacted by the Authority aforesaid,* That if the said Mayor Recorder Aldermen and Commonalty, Assessors or Collectors of the said City of Albany, who are hereby authorized, impowered and required to take effectual care that this Act be executed according to the true Intent and Meaning thereof, or any of them shall deny, refuse or delay to perform, execute or comply with all or any of the

Non-compliance with provisions of act, how punished on conviction.

Powers Authorities and Duties in this Act given and required to be done and performed by them or either of them, and thereof shall be lawfully convicted in any Court of Record in this Colony, he or they so denying refusing or delaying to perform the Duties as aforesaid, shall suffer such Pains and Penalties by Fine and Imprisonment, as by the Discretion of the said Court shall be adjudged.

Collection  
of assess-  
ments,  
how en-  
forced.

*And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall neglect or refuse to pay the several Rates and Assessments wherewith he or they shall be charged by this Act, for or in respect of his and their Goods and Chattels, Lands or Tenements, upon the Demand of the Collector appointed to receive the same, that then it shall and may be lawful to and for such Collector, and he is hereby required on non-payment thereof, to distrain upon the Goods and Chattels of the Person or Persons so refusing or neglecting to pay; and the Distress so taken to carry away, and the same to expose to Sale within the said City for the Payment of the Rate or Assessment, and the Overplus, if any be after paying the Charges of taking, carrying away, and exposing the same Distress to sale, to be immediately returned to the Owner or Owners thereof.*

Watch-  
men, to  
be under  
direction  
of mayor,  
etc.

*And be it further Enacted by the Authority aforesaid, That all such Persons as shall be employed to guard the said City, shall be under the Directions of, and obey such Orders as they shall from Time to Time receive from the Mayor, Recorder, Aldermen and Commonalty of the said City in Common Council convened, any Law or usage to the contrary in any wise notwithstanding.*

## Chapter VIII.

AN ACT to increase the Number of Constables in the County of Ulster.

PASSED the 8th of February 1774

Election  
of two  
constables  
author-  
ized.

*Be it Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That in every Town and Precinct in the County of Ulster wherein but one Constable has heretofore been elected, it shall and may be lawful for the Freeholders and Inhabitants of every such Town and Precinct to elect and choose at their annual Meetings, by majority of voices, two constables who shall be the constables of the said Towns and Precincts respectively for which they shall be so chosen, and shall have the same powers and be subject to the same Regulations Fines and Penalties as the other Constables in the said County now are.*

## Chapter IX.

AN ACT for making a further Provision of two thousand Pounds for furnishing his Majesty's Troops quartered in this Colony with Necessaries for one Year.

PASSED the 9th of March 1774.

*Be it Enacted by his Excellency the Governor the Council and the General Assembly and it is hereby enacted by the Authority of the same, That the Treasurer of this Colony shall, and he is hereby directed and required* Treasurer to pay for quartering troops.  
out of the Interest arisen or that may arise from the Money in the Loan Office to pay such Sum or Sums of Money as shall from Time to Time be necessary for quartering his Majesty's Troops in this Colony to the first Day of January next, on Warrant or Warrants to be drawn for that Purpose by his Excellency the Governor or Commander in Chief for the Time being, by and with the Advice and Consent of his Majesty's Council, provided the whole Sum to be drawn for, does not exceed the Sum of two thousand Pounds. Limitation of payments.

*And be it Enacted by the Authority aforesaid, That the Treasurer shall keep exact Books of his Payments by virtue of this Act, and a true and just Account thereof shall render upon Oath to the Governor or Commander in Chief for the Time being the Council or the General Assembly, when by them or any of them thereunto required.* Treasurer to account for payments made.

## Chapter X.

AN ACT for making an Allowance of five thousand Pounds to his Excellency the Governor, as a compensation in Part for the Damage he sustained by the late dreadful Fire.

PASSED the 9th of March 1774.

**WHEREAS** by the late dreadful Fire in his Majesty's Fort in the City of New York the Edifice erected by this Colony for the residence of the Governor, was destroyed, together with the Furniture and other valuable Effects therein, belonging to his Excellency William Tryon Esquire the present Governor in Chief; and the General Assembly of this Colony having thereupon resolved to allow to his Excellency the Sum of five thousand Pounds as well to repair in some Measure his great and heavy Loss on this Occasion; as to manifest their high respect and Esteem for his Person and Family: Therefore pray that it may be Enacted, Preamble.

*And be it Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That the Treasurer of this Colony shall pay, and he is hereby directed and required out of any Monies in his Hands, to pay, unto his said Excellency William Tryon Esquire, or to his Order the Sum of five thousand Pounds for the Purposes aforesaid, whose Receipt endorsed on the Warrant to be drawn for the same by the Governor or Com-* Treasurer directed to pay £5,000 to Governor.

How re-  
ceived  
and ac-  
counted  
for.

mander in Chief of this Colony, by and with the Advise and Consent of his Majesty's Council, shall be a good Voucher and Discharge for the Sum so paid, and of which the said Treasurer is to render Account on Oath to the Governor, the Council or to the General Assembly, when by them or any of them thereunto required.

## Chapter XI.

### AN ACT for the better Settling of Intestates Estates.

PASSED the 9th of March 1774.

Peroga-  
tive  
Courts,  
etc., to re-  
quire  
Bonds, in  
Case of  
Adminis-  
tration of  
Intestates  
Estates.

Form of  
Bond.

*Be it Enacted by his Excellency the Governor the Council and the General Assembly and by the Authority of the same,* That all Governors or Commanders in Chief, Judges and Officers and every of them for the Time being having power as a Perogative Court to commit Administration of the Goods of Persons dying Intestate, shall and may upon their respective granting and committing of Administration of the Goods of Persons dying Intestate, after the passing of the Act of the respective Person or Persons to whom any Administration is to be committed, take sufficient Bonds and Conditions with two or more able Sureties, Respect being had to the Value of the Estate, in Form and Manner following, *mutatis mutandis*, Viz. *Know all Men* by these Presents that We are held and firmly bound unto our Sovereign Lord by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth, in the Sum of Pounds current Money of the Province of New York, To be paid to his said Majesty his Heirs and Successors, To the which Payment well and truly to be made we do bind us and every one of us our and every of our Heirs Executors and Administrators jointly and severally firmly by these Presents. Sealed with our Seals, dated the Day of in the Year of his said Majesty's Reign and in the Year of our Lord The Condition of this Obligation is such, that if the above bounden

Admi istrator of all and singular the Goods Chattels and Credits of Deceased, do make or cause to be made a true and perfect Inventory of all and singular the Goods Chattels and Credits of the said Deceased, which have or shall come to the Hands Possession or Knowledge of him the said or into the Hands and Possession of any other Person or Persons for him, and the same so made do exhibit or cause to be exhibited into the Registry of the Prerogative Court of the Province of New York at or before the Day of next ensuing; and the same Goods Chattels and Credits, and all other the Goods Chattels and Credits of the said Deceased at the Time of his Death which at any Time after shall come to the Hands or Possession of the said — or into the Hands and Possession of any other Person or Persons for him, do well and truly Administer according to Law; And further do make, or cause to be made a true and just Account of Administration, at or before the Day of next following. And all the rest and residue of the said Goods Chattels and Credits which shall be found remaining upon the said Administrator's Account, the



same being first examined and allowed of by the Judges\* or Judges for the Time being, of the said Court, shall deliver and pay unto such Person or Persons respectively, as the said Judge or Judges, by his or their Decree or Sentence pursuant to the true Intent and Meaning of this Act, shall limit and appoint; And if it shall hereafter appear, That any last Will and Testament was made by the said Deceased, and the Executor or Executors therein named do exhibit, the same into the said Court, making Request to have it allowed and approved accordingly, if the said

above bounden being thereunto required, do render and deliver the said Letters of Administration (Approbation of such Testament being first had and made) in the said Court; then this Obligation to be void and of none Effect, or else to remain in full Force and Virtue. Which Bonds are hereby declared and enacted to be good to all intents and purposes and pleadable in any Courts of Justice; And also that the said Governors and Commanders in Chief, Judges and Officers respectively, shall and may and are enabled to proceed and call such Administrators to Account, for and touching the Goods of any Person dying Intestate; and upon Hearing and due Consideration thereof, to order and make just and equal Distribution\* of what remaineth clear (after all Debts, funerals and just Expenses of every sort first allowed and deducted) amongst the Wife and Children or Children's Children, if any such be, or otherwise to the next of Kindred to the dead Person in equal Degree, or legally representing their Stocks *pro suo cuique Jure*, according to the Laws in such Cases, and the Rules and Limitations hereafter set down; and the same Distributions to decree and settle, and to compel such Administrators to observe and pay the same by the due Course of the Laws: Saving to every one, supposing him or themselves agrieved, such Right of Appeal as in such Cases used.

Bonds,  
how  
pleadable.

Adminis-  
trators  
how called  
to account

Distribu-  
tion, how  
ordered.

*Provided always, and be it Enacted by the Authority aforesaid, That every Person who by this Act is enabled to make Distribution of the Surplusage of the Estate of any Person dying intestate shall distribute the whole Surplusage of such Estate or Estates in manner and form following: That is to say, One third part of the Surplusage to the Wife of the Intestate, and all the residue by equal portions, to and amongst the Children of such Persons dying Intestate and such Persons as legally represent such Children, in case any of the said Children be then Dead, other than such Child or Children (not being Heir at Law) who shall have any Estate by the Settlement of the Intestate, or shall be advanced by the Intestate in his Life time, by Portion or Portions equal to the Share which shall by such Distribution be allotted to the other Children to whom such Distribution is to be made: And in case any Child, other than the Heir at Law, who shall have any Estate by Settlement from the said Intestate, or shall be advanced by the said Intestate in his Life time by Portion not equal to the Share which will be due to the other Children by such Distribution as aforesaid; then so much of the Surplusage of the Estate of such Intestate to be distributed to such Child or Children as shall have any Land by Settlement from the Intestate, or were advanced in the Life time of the Intestate, as shall make the Estate of all the said Children to be equal as near as can be estimated: But the Heir at Law notwithstanding any Land that he shall have by Discent or otherwise from the Intestate, is to have an equal Part in the Distribution, with the rest of the Children, without any Consideration of*

Surplus-  
age of in-  
testate es-  
tates, how  
distribut-  
ed.

To Widow.  
To Child-  
ren, and  
their legal  
represent-  
atives.

Proviso.

\* So in the original.

the value of the Land which he hath by Discent, or otherwise from the Intestate.

**Distribu-  
tion, in  
case there  
be no  
children,  
to next of  
kin.** And in Case there be no Children, nor any legal Representatives of them, then one Moiety of the said Estate to be allotted to the Wife of the Intestate, the Residue of the said Estate to be distributed equally to every of the next Kindred of the Intestate, who are in equal Degree, and those who legally represent them.

**Proviso.** *Provided,* That there be no Representations admitted among Collaterals after Brothers and Sisters Children: And in Case there be no Wife, then all the said Estate to be distributed equally to and amongst the Children: And in case there be no Child then to the next of Kindred in equal Degree of, or unto the Intestate, and their legal Representatives as aforesaid, and in no other Manner whatsoever.

**Creditors  
of persons  
dying in-  
testate,  
provisions  
to protect  
rights of.** *Provided also, and be it likewise Enacted by the Authority aforesaid* To the End that a due Regard be had to Creditors, that no such Distribution of the Goods of any Person dying Intestate be made, till after one Year be fully expired after the Intestates Death; And that such and every one to whom any Distribution and Share shall be allotted, shall give Bond with sufficient Sureties in the said Courts, that if any Debt or Debts truly owing by the Intestate shall be afterwards sued for and recovered, or otherwise duly made to appear; that then and in every such Case he or she shall respectively refund and pay back to the Administrator his or her rateable Part of that Debt or Debts, and of the Costs of Suit and Charges of the Administrator by reason of such Debt, out of the Part and Share so as aforesaid allotted to him or her, thereby to enable the said Administrator to pay and satisfy the said Debt or Debts so discovered after the Distribution made as aforesaid.

**Adminis-  
tration,  
with will  
annexed.** *Provided always and be it Enacted by the Authority aforesaid,* that in all Cases where the said Court Judge or Officers or either of them hath or have used heretofore to grant Administration *cum Testamento annexo*, he and they shall continue so to do, and the Will of the Deceased in such Testament expressed, shall be performed and observed, in such Manner as it should have been if this Act had never been made.

**Account-  
ing by Ad-  
ministra-  
tors, regu-  
lated.** *Provided always, and it is hereby further Enacted,* That no Administrator shall after the Passing of this Act, be cited to any the Courts, to render an Account of the personal Estate of his Intestate (otherwise than by an Inventory or Inventories thereof) unless it be at the instance or prosecution of some Person or Persons in behalf of a Minor, or having a demand out of such personal Estate as a Creditor or next of Kin, nor be compellable to account before any the Governors or Commanders in Chief Judges or Officers impowered and appointed to take the same, otherwise than as is aforesaid; any thing in this Act or any Law Usage or Custom to the contrary notwithstanding.

**Fatherless  
children,  
dying un-  
married,  
disposi-  
tion of es-  
tates of.** *Provided also, and it is further Enacted by the Authority aforesaid,* that if after the Death of a Father any of his Children shall Die Intestate without Wife or Children, in the Life time of the Mother, every Brother and Sister, and the Representatives of them, shall have an equal Share with her; any thing in this Act or any Law Usage or Custom to the Contrary notwithstanding. And all former Acts and Proceedings, and all Rights and Claims agreeable to the Provisions of this Act are hereby confirmed.

*And be it Enacted by the Authority aforesaid,* That neither this Act nor any Thing herein contained shall be construed to extend to the

Estates of Feme Coverts that shall die Intestate; but that their Husbands may demand and have Administration of their Rights, Credits and other Personal Estates, and recover and enjoy the same as they might have done before the Passing hereof.

Act not to extend to estates of Feme Coverts, dying intestate.

## Chapter XII.

### AN ACT for the Relief of Creditors against fraudulent Devises.

PASSED the 9th of March 1774

WHEREAS it is not reasonable or just, that by the Practice or Con- Preamble.  
trivance of any Debtors, their Creditors should be defrauded of their just Debts, and nevertheless it hath often so happened, that where several Persons having by Bonds or other Specialties bound themselves and their Heirs, and have afterwards died seized in fee Simple of and in Manors, Messuages, Lands, Tenements and Hereditaments, or had Power or Authority to dispose of, or charge the same by their Wills or Testaments have, to the defrauding of such their Creditors, by their last Wills or Testaments, devised the same or disposed thereof, in such manner as such Creditors have lost their said debts, for remedying of which, and for the Maintenance of just and upright Dealing,

*Be it Enacted by his Excellency the Governor, the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That all Wills and Testaments Limitations, Dispositions or Appointments of, or concerning any Manors, Messuages, Lands, Tenements or Hereditaments, or of any Rent, Profit Term or Charge out of the Same, whereof any Person or Persons at the Time of his her or their Decease, shall be seized in Fee Simple in Possession Reversion or Remainder, or have Power to dispose of the same, by his her or their Last Wills or Testaments that have, or hereafter shall be made, shall be deemed and taken, (only as against such Creditor or Creditors as aforesaid, his her and their Heirs Successors, Executors, Administrators and Assigns, and every of them,) to be fraudulent and clearly absolutely and utterly void, frustrate and of none Effect, any Pretence, Colour feigned, or presumed Consideration, or any other Matter or Thing to the contrary notwithstanding.

Certain wills and testaments, deemed fraudulent and void as to creditors.

*And for the Means that such Creditors may be enabled to recover their said Debts, Be it further Enacted by the Authority aforesaid,* that in the Cases beforementioned, every such Creditor shall and may have and maintain his her and their Action and Actions of Debt, upon his her and their said Bonds and Specialties, against the Heir and Heirs at Law of such Obligor or Obligors, and such Devisee and Devisees jointly by virtue of this Act; and such Devisee or Devisees shall be lyable and chargeable for a false Plea by him or them pleaded, in the same Manner as any Heir should have been, for any false Plea by him pleaded, or for not confessing the Lands or Tenements to him descended.

Creditor on bonds, etc., may recover against the heir or devisee.

Devisee chargeable for false plea.

*Provided always and be it Enacted by the Authority aforesaid,* That where there hath been, or shall be any Limitation or Appointment, Devise or Disposition of, or concerning any Manors, Messuages, Lands, Tenements or Hereditaments, for the raising or Payment of any real and

Limitations, devises, etc., for payment of just debts or portions for children under marriage contracts, to be in full force.

just Debt or Debts, or any Portion or Portions, Sum or Sums of Money, for any Child or Children of any Person other than the Heir at Law according to, or in pursuance of, any Marriage Contract or Agreement in Writing, *bona fide* made before such Marriage, the same and every of them shall be in full force, and the same Manors, Messuages, Lands, Tenements and Hereditaments, shall and may be holden and enjoyed by every such Person or Persons, his her and their Heirs, Executors, Administrators and Assigns for whom the said Limitation, Appointment, Devise or Disposition was made, and by his her and their Trustee or Trustees, his her and their Heirs, Executors, Administrators and Assigns for such Estate or Interest as shall be so limited or appointed, devised or disposed until such Debt or Debts, Portion or Portions shall be raised, paid and satisfied, any Thing in this Act contained to the contrary notwithstanding.

And Whereas several Persons being Heirs at Law, to avoid the Payment of such just Debts, as in regard to the Lands Tenements and Hereditaments descending to them, they have by Law been lyable to pay, have sold, aliened or made over, such Lands Tenements or Hereditaments, before any Process was or could be issued out against them.

If heir at law sells before action brought, he shall be liable to value of land.

Be it further Enacted by the Authority aforesaid, That in all Cases, where any Heir at Law shall be lyable to pay the Debt of his Ancestor, in regard of any Lands, Tenements or Hereditaments descending to him, and shall sell, alien or make over the same, before any Action brought, or Process sued out against him, that such Heir at Law shall be answerable for such Debt or Debts, in an Action or Actions of Debt to the Value of the said Land so by him sold aliened or made over, in which Cases all Creditors shall be preferred, as in Actions against Executors and Administrators, and such Execution shall be taken out, upon any Judgment or Judgments so obtained, against such Heir to the Value of the said Land, as if the same were his own proper Debt or Debts, saving that the Lands, Tenements and Hereditaments *bona fide* aliened before the Action brought, shall not be lyable to such Execution.

Creditors preferred, as in actions against Executors.

Jury to inquire value of lands descended, etc., upon *Riens per Descend* pleaded.

Provided always and be it further enacted by the Authority aforesaid, That where any Action of Debt upon any Specialty is brought against any Heir, he may plead *Riens per Descend*, at the Time of the original Writ brought, or the Bill filed against him, any Thing herein contained to the contrary notwithstanding, and the Plaintiff in such Action may reply, that he had Lands Tenements or Hereditaments from his Ancestor before the original Writ brought, or Bill filed; and if upon Issue joined thereupon, it be found for the Plaintiff, the Jury shall enquire of the value of the Lands Tenements or Hereditaments so descended, and thereupon Judgment shall be given, and Execution shall be awarded as aforesaid; but if Judgment be given against such Heir, by Confession of the Action, without confessing the Assets descended, or upon Demurrer of *Nihil Dicit*, it shall be for the Debt and Damages, without any Writ to enquire of the Lands Tenements or Hereditaments so descended.

Devisees chargeable as heir.

Provided also, and be it further enacted, That all and every Devisee and Devisees, made lyable by this Act, shall be lyable and chargeable in the same Manner as the Heir at Law by force of this Act, notwithstanding the Lands, Tenements and Hereditaments to him or them devised, shall be aliened before the Action brought.

## Chapter XIII.

## AN ACT for the better preventing of excessive and deceitful Gaming.

PASSED the 9th of March 1774.

WHEREAS the Laws now in force for preventing the Mischiefs which happen by Gaming, have not been found sufficient for that Purpose; therefore for the further preventing of all excessive and deceitful Gaming,

*Be it Enacted by his Excellency the Governor, the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That from and after the first Day of May next all Notes, Bills, Bonds, Judgments, Mortgages or other Securities or Conveyances whatsoever, given granted drawn or entered into, or executed by any Person or Persons whatsoever, where the whole or any Part of the Consideration of such Conveyances or Securities, shall be for any Money or other valuable Things whatsoever won by Gaming or Playing at Cards Dice, Tables, Tennis, Bowls or other Game or Games whatsoever, or by betting on the Sides or Hands of such as do Game at any of the Games aforesaid, or for the reimbursing or repaying any Money knowingly lent or advanced for such Gaming or Betting as aforesaid, or lent or advanced at the Time and Place of such Play to any Person or Persons so Gaming or Betting as aforesaid, or that shall during such Play, so Play or Bett, shall be utterly void, frustrate and of none Effect to all Intents and Purposes whatsoever, any Law or Usage to the Contrary thereof in any wise notwithstanding; and that where such Mortgages Securities or other Conveyances shall be of Lands Tenements or Hereditaments, or shall be such as incumber or affect the same, such Mortgages Securities or other Conveyances shall enure and be to and for the sole Use and Benefit of, and shall devolve upon such Person or Persons as should or might have, or be entitled to such Lands Tenements or Hereditaments, in Case the said Grantor or Grantors thereof, or the Person or Persons so incumbering the Same had been naturally dead, and as if such Mortgages Securities or other Conveyances had been made to such Person or Persons so to be intitled after the Decease of the Person or Persons so incumbering the same; And that all Grants and Conveyances to be made for the preventing of such Lands Tenements or Hereditaments from coming to, or devolving upon such Person or Persons hereby intended to enjoy the same as aforesaid, shall be deemed fraudulent and void, and of none Effect, to all Intents and Purposes whatsoever.

Notes, mortg-  
gages, etc.  
given for  
money  
won, bet  
or loaned  
for gam-  
ing pur-  
poses,  
when to be  
void.

Mort-  
gages, etc.,  
given as  
above,  
how to  
devolve.

Certain  
grants  
deemed  
fraudulent  
and void.

*And be it further Enacted by the Authority aforesaid,* That from and after the said first Day of May next, any Person or Persons whatsoever who shall at any Time or Sitting, by playing at Cards Dice Tables or other Game or Games whatsoever, or by betting on the Sides or Hands of such as do play at any of the Games aforesaid lose to any one or more Person or Persons so playing or betting, in the whole Sum or Value of ten Pounds, and shall pay or deliver the Same or any Part thereof, the Person or Persons so losing and paying or delivering the Same, shall be at Liberty within three Months then next, to sue for and recover the Money or Goods so lost, and paid or delivered or any Part thereof from the respective Winner and Winners thereof with Costs of Suit, by Action of Debt founded on this

Loser of  
money at  
cards,  
when  
author-  
ized to sue  
for re-  
covery of  
same.

Act, to be prosecuted in any of his Majesty's Courts of Record within this Colony, having Cognizance of the same, in which Action or Suit no Essoin Protection Wager of Law, or more than one Imparalance shall be allowed: In which Actions it shall be sufficient for the Plaintiff to alledge that the Defendant or Defendants are indebted to the Plaintiff or Plaintiffs, or received to the Plaintiff's Use, the Monies so lost and paid, or converted the Goods won of the Plaintiffs to the Defendants Use, whereby the Plaintiff's Action accrued to him, according to the Form of this Act, without setting forth the special Matter: And in Case the Person or Persons who shall lose such Money or other Thing as aforesaid, shall not within the Time aforesaid really and *bona fide*, and without Covin or Collusion, sue and with Effect prosecute for the Money or other Thing so by him or them lost, and paid or delivered as aforesaid, it shall and may be lawful to and for any Person or Persons, by any such Action or Suit as aforesaid to sue for and recover the Same, and treble the Value thereof, with Costs of Suit against such Winner or Winners as aforesaid, the one Moiety thereof to the Use of the Person or Persons that will sue for the Same, and the other Moiety to the Use of the Poor of the Parish or Place where the Offence shall be committed.

Right of other persons, to sue for same, and recover treble value.

One-half of recovery, to be for use of poor.

Persons sued, to discover under oath.

And for the better Discovery of the Monies or other Thing so won, and to be sued for and recovered as aforesaid, *It is hereby further Enacted by the Authority aforesaid*, That all and every the Person or persons, who by virtue of this present Act shall or may be liable to be sued for the Same, shall be obliged and compellable to answer upon Oath such Bill or Bills as shall be preferred against him or them for discovering the Sum and Sums of Money or other Thing so won at Play as aforesaid.

Discharge from penalty, of persons discovering and repaying moneys.

*Provided always and be it nevertheless enacted by the Authority aforesaid*, That upon the Discovery and Repayment of the Money or other Thing so to be discovered and repaid as aforesaid, the Person or Persons who shall so discover and repay the Same as aforesaid shall be acquitted, indemnified and discharged from any further or other Punishment, Forfeiture or Penalty which he or they may have incurred by the playing for or winning such Money or other Thing so discovered and repaid as aforesaid any former or other Law or Usage, or any Thing in this present Act contained to the contrary thereof in any wise notwithstanding.

Persons winning moneys by fraud, to forfeit five times the value.

*And be it further Enacted by the Authority aforesaid*, That if any Person or Persons whatsoever at any Time or Times after the said first Day of May next do, or shall by any Fraud or Shift, Cousenage, Circumvention, Deceit or unlawful Devise or ill Practice whatsoever in playing at or with Cards, Dice or any the Games aforesaid, or in or by bearing a Share or Part in the Stakes, Wagers or Adventures, or in or betting on the Sides or Hands of such as do or shall play as aforesaid, Win, obtain or acquire to him or themselves, or to any other or others, any Sum or Sums of Money or other valuable Thing or Things whatsoever, or shall at any one Time or Sitting, win of any one or more Person or Persons whatsoever, above the Sum or Value of ten Pounds, that then every Person or Persons so winning by such ill Practice as aforesaid, or winning at any one Time or Sitting above the said Sum or Value of ten Pounds, and being convicted of any of the said Offences, upon any Indictment or Information to be exhibited against him or them for that Purpose, shall forfeit five Times the value of the Sum or Sums of Money or other Things so won as aforesaid, and in Case of such ill Practice as aforesaid shall be deemed

infamous, and suffer such corporal Punishment as in Cases of wilful Perjury, and such Penalty to be recovered by such Person or Persons as shall sue for the Same by such Action as aforesaid.

Corporal punishment, in case of infamous practice.

*And Whereas* divers leud and dissolute Persons live at great Expences, having no visible Estate, Profession or Calling to maintain themselves, but support those Expences by gaming only, *Be it therefore Enacted by the Authority aforesaid*, That it shall and may be lawful for any two or more of his Majesty's Justices of the Peace, in any County City or Place whatsoever, to cause to come, or be brought before them, every such Person or Persons within their respective Limits whom they shall have just Cause to suspect, to have no visible Estate, Profession or Calling to maintain themselves by, but do for the most Part support themselves by gaming, and if such Person or Persons shall not make it appear to such Justices, that the principal Part of his or their Expences is not maintained by gaming; that then such Justices shall require of him or them sufficient Securities for his or their good Behaviour for the Space of twelve Months; and in Default of his or their finding such Securities, to commit him or them to the common Goal there to remain until he or they shall find such Securities as aforesaid.

Persons living by gaming, etc., when to furnish security for good behaviour.

Commitment in case of default.

*And be it Enacted by the Authority aforesaid*, That if such Person or Persons so finding Sureties as aforesaid, shall during the Time for which he or they shall be so bound to the good Behaviour, at any one Time or Sitting, play or bett for any Sum or Sums of Money or other Thing exceeding in the whole the Sum or Value of twenty Shillings that then such playing shall be deemed or taken to be a Breach of his or their Behaviour, and a Forfeiture of the Recognizance given for the Same.

Forfeiture of recognizance for breach of good behaviour.

## Chapter XIV.

AN ACT for the better Security, and more easy recovery of Rents, and renewal of Leases, and to prevent Frauds committed by Tenants.

PASSED the 9th of March 1774.

*Be it Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the Same*, That from and after the passing of this Act, where any Goods or Chattels shall be distrained for any Rent reserved and due upon any Demise, Lease or Contract whatsoever; and the Tenant or Owner of the Goods so distrained shall not within five Days next after such Distress taken, and Notice thereof (with the Cause of such taking,) left at the chief Mansion House, or other most notorious Place on the Premises charged with the Rent distrained for, replevy the same with sufficient Security to be given to the Sheriff according to Law, that then in such Case after such Distress and Notice as aforesaid, and Expiration of the said five Days, the Person distraining shall and may with the Sheriff or under Sheriff of the County, or with the Constable or other Officer of the Town or Place where such Distress shall be taken, (who are hereby required to be aiding and assisting therein,) cause the Goods and Chattels so distrained to be appraised by two sworn Appraisers (whom such Sheriff under Sheriff, Constable or other Officer as aforesaid are

Goods etc., distrained for rent, if not replevied by owner, how appraised and sold.

hereby impowered to summon for that Service and to swear well and truly to perform it,) to appraise the same truly according to the best of their Understandings, and after such Appraisalment, shall and may lawfully sell at Public Vendue the Goods and Chattels so distrained for the best Price that can be gotten for the same (giving three Days Public Notice,) towards satisfaction of the Rent for which the said Goods and Chattels shall be distrained, and of the Charges of such Distress, Appraisalment and sale, leaving the Overplus (if any,) in the Hands of the said Sheriff, Under Sheriff, Constable or Officer for the Owners Use.

Disposition of overplus.

Seizure of hay, sheaves of corn, etc., for rent due, and sale thereof.

*Be it further Enacted by the Authority aforesaid* That from and after the passing of this Act, it shall be lawful for any Person or Persons having Rent, arrear and due upon any such Demise, Lease or Contract as aforesaid to seize and secure any Sheaves or Cocks of Corn, or Corn loose, or in the Straw, or Hay lying or being in any Barn or Granary or upon any Hovel Stack or Rick, or otherwise, upon any Part of the Land charged with such Rent, and to lock up or detain the same in the Place where the same shall be found, for or in the Nature of a Distress until the same shall be replevied upon such Security to be given as aforesaid, and in Default of Replevying the same as aforesaid within the Time aforesaid, to sell the same after the Appraisalment thereof in Manner as above directed: *And also* it shall be lawful for such Landlord or Lessor to take and seize as aforesaid any Cattle or Stock of such Tenant or Tenants feeding or depasturing upon any Common appendant or appurtenant, or any ways belonging to the Premises demised or holden, *And also* to take and seize all Sorts of Corn and Grass Roots or other Produce growing thereon as Distress for Arrears of Rent, and the same to cut gather, make, cure, carry and lay up in some convenient Place on the Premises and for Want thereof in some other Place to be procured by such Landlord (due Notice of such Place being given to such Tenant or Lessee, or left at his Place of abode) and within the Time, and in manner herein before directed to appraise sell or dispose of the same.

Seizure of cattle, growing grain, grass, etc., for arrears of rent.

Appraisal and sale thereof.

Distress taken, how secured and sold.

*And be it further Enacted*, That it shall be lawful for any Person lawfully taking any Distress to impound or otherwise secure the Distress so made, of whatever Nature or Kind it may be in such Place, or on such Part of the Premises as shall be most convenient for the Purpose, and to appraise sell and dispose of the same upon the Premises in like Manner as any Person taking a Distress for Rent may do off the Premises by virtue of this Act: And it shall be lawful for any Person or Persons to come and go to and from such Place or Part of the said Premises in order to view appraise and buy, and also to carry off and remove the same.

Damages to be recovered on any Pound breach of chattels, etc., distrained.

*And be it further Enacted by the Authority aforesaid*, That upon any Pound Breach or Rescous of Goods or Chattels distrained for Rent, the Person or Persons grieved thereby shall in a special Action upon the Case for the Wrong thereby sustained recover his and their treble Damages and Costs of Suit against the Offender or Offenders in any such Rescous or Pound Breach, any or either of them, or against the Owner of the Goods distrained, in Case the same be afterwards found to have come to his use or Possession.

Recovery, in case goods are distrained when no rent is due.

*Provided always and be it further Enacted*, That in Case any such Distress and Sale as aforesaid, shall be made by virtue or colour of this present Act, for Rent pretended to be arrear and due, where in truth no Rent is arrear or due to the Person or Persons distraining, or to him or them in whose Name or Names or Right such Distress shall be



taken as aforesaid, that then the Owner of such Goods or Chattels distrained and sold as aforesaid, his Executors or Administrators, shall and may by Action of Trespass, or upon the Case, to be brought against the Person or Persons so distraining any or either of them, his or their Executors or Administrators recover double of the Value of the Goods or Chattels so distrained and sold together with full Costs of Suit.

*And be it further Enacted by the Authority aforesaid,* That from and after the passing hereof where any Distress shall be made for any Kind of Rent justly due, and any irregularity or unlawful Act shall be afterwards done by the Party or Parties distraining, or by his her or their Agents, the Distress itself shall not be therefore deemed to be unlawful, nor the Party or Parties making it be deemed a Trespasser or Trespassers *ab initio*; but the Party or Parties aggrieved by such unlawful Act or Irregularity, shall or may recover full Satisfaction for the special Damage, he she or they shall have sustained thereby and no more, in an Action of Trespass, or on the Case at the Election of the Plaintiff or Plaintiffs: *Provided always* That where the Plaintiff or Plaintiffs shall recover such Action, he she or they shall be paid his her or their full costs of Suit, and have all the like Remedies for the same as in other Cases of Costs. *Provided nevertheless,* That no Tenant or Tenants, Lessee or Lessees, shall recover in any Action for any such unlawful Act or Irregularity as aforesaid, if Tender of Amends hath been made by the Party or Parties distraining, his her or their Agent, or Agents, before such Action brought.

Recovery of damages for unlawful acts committed, by person distraining.

Tender of amends, effect of.

*And be it further Enacted by the Authority aforesaid,* That in all Actions of Trespass or upon the Case to be brought against any Person or Persons intitled to any Rents or Services of any Kind, his her or their Bailiff or Receiver, or other Person or Persons relating to any Entry by virtue of this Act, or otherwise upon the Premises chargeable with such Rents or Services, or to any Distress or Seizure, Sale or Disposal of any Goods or Chattels thereupon, it shall and may be lawful to and for the Defendant or Defendants in such Actions to plead the general Issue and give the special Matter in Evidence, any Law or Usage to the contrary notwithstanding, and in Case the Plaintiff or Plaintiffs shall become nonsuit, discontinue his her, or their Action, or have Judgment against him her or them, the Defendant or Defendants shall recover double Costs of Suit.

Rights of landlord, etc., as defendant, to plead general issue, etc.

*And be it further Enacted* That no Goods or Chattels whatsoever in or upon the demised Premises shall be liable to be taken by virtue of any Execution on any Pretence whatsoever, unless the Party at whose Suit the said Execution is sued out, shall before the Removal of such Goods from off the said Premises by virtue of such Execution or Extent, pay to the Landlord of the said Premises or his Bailiff all Sum or Sums of Money due for Rent for the said Premises at the Time of the taking such Goods or Chattels by virtue of such Execution, provided the said Arrears of Rent do not amount to more than one Years Rent, and in Case the said Arrears shall exceed one years Rent, then the said Party, at whose Suit such Execution is sued out, paying the said Landlord or his Bailiff one Years Rent, may proceed to execute his Judgment as he might have done before the making of this Act: and the Sheriff or other Officer is hereby impowered and required to levy and pay to the Plaintiff, as well the Money so paid for Rent as the Execution Money.

Goods not liable to be taken in execution, until payment of one year's rent to landlord.

Levy for debt and rent.

*And be it further Enacted by the Authority aforesaid,* That in Case any such Lessee for Life or Lives, Term of Years, at Will or otherwise

Goods carried from demised premises, seizure and sale of.

shall from and after the passing of this Act, convey or carry off or from such demised Premises his Goods or Chattels, leaving the Rent unpaid, it shall and may be lawful for such Lessor or Landlord or any Person or Persons by him for that Purpose lawfully empowered within the Space of thirty Days next after such conveying away, or carrying off such Goods or Chattels as aforesaid, to take and seize such Goods and Chattels wherever the same shall be found, as a Distress for the said Arrears of Rent; and the same to sell or otherwise dispose of in such Manner as if the said Goods and Chattels had actually been distrained by such Lessor or Landlord in and upon such Premises for such Arrears of Rent, any Law custom or usage to the contrary in any wise notwithstanding.

Proviso, as to certain goods sold before seizure.

*Provided nevertheless*, That Nothing in this Act contained shall extend or be construed to extend to empower such Lessor or Landlord to take or seize any Goods or Chattels as a Distress for Arrears of Rent, which shall be sold *bona fide*, and for a valuable Consideration before such Seizure made to any Person not privy to such Fraud any Thing herein contained to the contrary notwithstanding.

Tenants, carrying away goods leaving rent unpaid — to forfeit double value.

And to deter Tenants from such conveying away their Goods and Chattels leaving the Rent unpaid, and others from wilfully aiding or assisting therein or concealing the same, *Be it further Enacted by the Authority aforesaid*, That if any such Tenant or Lessee shall remove and convey away his or her Goods or Chattels as aforesaid, or if any Person or Persons shall wilfully and knowingly aid or assist any such Tenant or Lessee in such conveying away or carrying off of any Part of his or her Goods or Chattels, or in concealing the same; all and every Person and Persons so offending shall forfeit and pay to the Landlord or Landlords, Lessor or Lessors, their Heirs or Assigns, from whose Estate such Goods and Chattels were so carried off as aforesaid, double the Value of the Goods by him her or them respectively carried off, or concealed as aforesaid, to be recovered by Action of Debt in any Court of Record wherein no Essoin, Protection or Wager of Law shall be allowed, nor more than one Imparllance.

Right of landlord, with constable, to enter and take certain goods removed by tenants.

*And be it further Enacted by the Authority aforesaid*, That where any Goods or Chattels shall be conveyed or carried away as aforesaid by any Tenant or Tenants, Lessee or Lessees, his her or their Servant or Servants, Agent or Agents, or other Person or Persons, aiding or assisting therein, shall be put, placed, or kept in any House, Barn, Stable, Out House, Yard, Close or Place locked up, fastened or otherwise secured, so as to prevent such Goods or Chattels from being taken and seized as a Distress for arrears of Rent, it shall and may be lawful for the Landlord or Landlords Lessor or Lessors, his or their Heirs or Assigns, his or their Steward, Bailiff, Receiver or other Person or Persons empowered to take and seize as a Distress for Rent, such Goods and Chattels (first calling to his her or their Assistance the Constable or other Peace Officer of the Town or Place where the same shall be suspected to be concealed, who are hereby required to aid and assist therein; and in Case of a Dwelling House Oath being also first made before some Justice of the Peace of a reasonable Ground to suspect that such Goods or Chattels are therein,) in the Daytime to break open and enter into such House, Barn, Stable, Out House, Yard, Close and Place, and to take and seize such Goods and Chattels for the said Arrears of Rent, as he she or they might have done by virtue of this or any former Act, if such Goods and Chattels had been put in any open Field or Place.

*Be it further Enacted by the Authority aforesaid,* That it shall be lawful for any Person or Persons, having any Rent in Arrear or due upon any Lease or Demise for Life or Lives to bring an Action or Actions of Debt for such Arrears of Rent in the same Manner they might have done in Case such Rent were due, and reserved upon a Lease for Years. Action for rent due, upon Lease for Life.

*And Whereas* Tenants *per Auter Vie*, and Lessees for Years or at will frequently hold over the Tenements to them demised, after the Determination of such Lease: *And Whereas* after the Determination of such or any other Leases no Distress can by Law be made for any Arrears of Rent that grew due on such respective Leases before the Determination thereof: *It is hereby further Enacted by the Authority aforesaid,* That it shall be lawful for any Person or Persons having any Rent in arrear and due upon any Lease for Life or Lives, or for Years or at Will ended or determined to distrain for such Arrears, after the Determination of the said respective Leases, in the same Manner as they might have done if such Lease or Leases had not been ended or determined. Distrain for arrears, where Lease for Life is determined.

*Provided,* That such Distress be made within the Space of six Kalender Months after the Determination of such Lease and during the Continuance of such Landlord's Title or Interest, and during the Possession of the Tenant from whom such Arrear became due. Provido, as to time of making distress.

*Provided always and it is hereby enacted and declared by the Authority aforesaid,* That Nothing in this Act contained shall extend or be construed to extend to let hinder or prejudice his Majesty, his Heirs or Successors in the levying recovering or seizing any Debts Fines Penalties or Forfeitures that are or shall be due payable or answerable to his Majesty his Heirs or Successors; but that it shall and may be lawful for his Majesty his Heirs and Successors to levy recover and seize such Debts Fines Penalties and Forfeitures in the same Manner as if this Act had never been made, any Thing in this Act contained to the contrary thereof in any wise notwithstanding. Provido, as to levy or seizure by Crown.

*And be it further Enacted,* That in Case any Tenant or Tenants for any Term of Life Lives or Years or other Person or Persons who are or shall come into Possession of any Lands Tenements or Hereditaments by from or under, or by Collusion with such Tenant or Tenants, shall wilfully hold over any Lands Tenements or Hereditaments after the Determination of such Term or Terms, and after Demand made and Notice in writing given for delivering the Possession thereof, by his or their Landlords or Lessors, or the Person or Persons to whom the Remainder or Reversion of such Lands Tenements or Hereditaments shall belong, his or their Agent or Agents thereunto lawfully authorized, then and in such Case, such Person or Persons so holding over, shall for and during the Time he she or they shall so hold over or keep the Person or Persons intitled, out of Possession of the said Lands Tenements and Hereditaments as aforesaid, pay to the Person or Persons so kept out of possession their Executors Administrators or Assigns at the Rate of double the Yearly Value of the Lands Tenements and Hereditaments so detained, for so long Time as the same are detained to be recovered in any of the Courts of Record in this Colony, by Action of Debt, whereunto the Defendant or Defendants shall be obliged to give special Bail, against the recovering of which said Penalty there shall be no Relief in Equity. Penalty upon tenants holding over term, or persons obtaining possession of lands collusively etc. How recovered.

*And be it further Enacted by the Authority aforesaid,* That in Case any Tenant or Tenants shall give Notice of his, her, or their Intention to

Tenants not delivering possession after notice, to pay double rent.

quit the Premises by him her or them holden, at a Time mentioned in such Notice, and shall not accordingly deliver up the Possession thereof at the Time in such Notice contained, that then the said Tenant or Tenants his her or their Executors or Administrators shall from thenceforward pay to the Landlord or Landlords, Lessor or Lessors their Heirs or Assigns double the Rent or Sum which he she, or they should otherwise have paid; to be levied, sued for and recovered at the same Times and in the same Manner as the single rent or Sum before the giving such Notice could be levied, sued for, or recovered, and such double Rent or Sum shall be continued to be paid, during all the Time such Tenant or Tenants shall continue in possession as aforesaid.

*And Whereas* great Inconveniencies may happen to Lessors and Landlords in Cases of Re-entry for non-payment of Rent by reason of the many Nicities that attend Re-entries at Common Law, and for asmuch as when a legal Re-entry is made, the Landlord or Lessor must be at the Expence Charge and Delay of recovering in Ejectment before he can obtain the actual Possession of the demised Premises, for Remedy whereof.

Right of landlord to recover premises by ejectment, in arrears of rent.

Proceeding, in case tenant can not be served with declaration.

*Be it Enacted by the Authority aforesaid* That in all Cases between Landlord and Tenant from and after the passing this Act as often as it shall happen that one half Years Rent shall be in arrear, and the Landlord or Lessor to whom the same is due hath Right by Law to re-enter for the nonpayment thereof such Landlord or Lessor, shall and may without any formal Demand or Re-entry, serve a Declaration in Ejectment, for the Recovery of the demised Premises, or in Case the same cannot be legally served, or no Tenant be in actual possession of the Premises, then to affix the same upon the Door of any demised Messuage, or in Case such Ejectment shall not be for the Recovery of any Messuage, then upon some notorious Place of the Lands, Tenements or Hereditaments comprized in such Declaration in Ejectment, and such affixing shall be deemed legal Service thereof, which Service or affixing such Declaration in Ejectment shall stand in the Place and stead of a Demand and Re-entry, and in Case of Judgment against the casual Ejector or nonsuit for not confessing Lease Entry and Ouster, it shall be made appear to the Court where the said Suit is depending, by Affidavit or be proved upon the Trial in Case the Defendant appears, that half a Years Rent was due before the said Declaration was served, and that no sufficient Distress was to be found on the demised Premises, countervailing the Arrears then due, and that the Lessor or Lessors in Ejectment had Power to Re-enter, then and in every such Case the Lessor or Lessors in Ejectment shall recover Judgment and Execution in the same Manner as if the Rent in arrear had been legally demanded and Re-entry made; and in Case the Lessee or Lessees, his her or their Assignee or Assignees or other Person or Persons claiming or deriving under the said Lease shall suffer Judgment on such Ejectment, and Execution to be executed thereon, without paying the Rent and Arrears together with full Costs, and without filing any Bill or Bills for Relief in Equity, within six Kalender Months after such Execution executed, then and in such Case the said Lessee or Lessees his her or their Assignee or Assignees, and all other Persons claiming and deriving under the said Lease shall be barred and foreclosed from all Relief or Remedy in Law or Equity, other than by Writ of Error for reversal of such Judgment in case the same shall be erroneous, and the said Landlord or Lessor shall from thenceforth hold the same demised Premises dis-

charged from such Lease or Contract, and if on such Ejectment, verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall be nonsuited therein except for the not confessing Lease, Entry and Ouster, then and in every such Case such Defendant or Defendants shall have and recover his her and their full Costs, *Provided always*, That Nothing herein contained shall extend to bar the Right of any Mortgagee or Mortgagees of such Lease, or any Part thereof, who shall not be in Possession, so as such Mortgagee or Mortgagees shall and do within six Kalender Months after such Judgment obtained and Execution executed pay all Rent in Arrear, and all Costs and Damages sustained by such Lessor, Person or Persons intituled to the remainder or Reversion as aforesaid and perform all the Covenants and Agreements which on the Part and behalf of the first Lessee or Lessees are and ought to be performed.

Right of mortgagee to pay rent, etc., not barred.

*And be it further Enacted by the Authority aforesaid*, That in Case the said Lessee or Lessees, his, her, or their Assignee or Assignees or other Person or Persons claiming any Right Title or Interest in Law or Equity of in or to the said Lease shall within the Time aforesaid file one or more Bill or Bills for relief in any Court of Equity, such Person or Persons shall not have or continue any Injunction against the Proceedings at Law on such Ejectment unless he she or they do or shall within forty Days next after a full and perfect Answer shall be filed by the Lessor or Lessors of the Plaintiff, in such Ejectment, bring into Court and lodge with the proper Officer such Sum and Sums of Money as the Lessor or Lessors of the Plaintiff in the said Ejectment shall in his, her, or their Answer swear to be due and in arrear over and above all just Allowances, and also the Costs taxed in the said Suit, there to remain till the hearing of the Cause, or to be paid out to the Lessor or Landlord on good Security, subject to the Decree of the Court, and in Case such Bill or Bills shall be filed within the Time aforesaid and after Execution is executed, the Lessor or Lessors of the Plaintiff shall be accountable only for so much and no more, as he she or they shall really and *bona fide* without Fraud Deceit, or wilful Neglect make of the demised Premises, from the Time of his her or their entering into the actual Possession thereof, and if what shall be so made by the Lessor or Lessors of the Plaintiff happen to be less than the Rent reserved on the said Lease, then the said Lessee or Lessees, his her or their Assignee or Assignees, before he she or they shall be restored to the Possession or Possessions, shall pay such Lessor or Lessors, or Landlord or Landlords what the Money so by them made, fell short of the reserved Rent, for the Time such Lessor or Lessors of the Plaintiff, Landlord or Landlords held the said Lands.

Lessee may bring rent due, and costs, into court, in action for relief by injunction.

Lessor accountable only for actual profits, after tenant is ejected.

Tenant not to be restored to possession, unless he pays sum still due.

*Provided always and be it further Enacted by the Authority aforesaid* That if the Tenant or Tenants, his her or their Assignee or Assignees shall at any Time before the Trial in such Ejectment pay or tender to the Lessor or Landlord, his Executors or Administrators, or his her or their Attorney in that Cause, or pay into the Court where the same Cause is depending, all the Rent and Arrears, together with the Costs, then and in such Case, all further Proceedings on the said Ejectment shall Cease, and be discontinued; and if such Lessee or Lessees, his her or their Executors Administrators or Assigns shall upon such Bill filed as aforesaid be relieved in Equity, he she and they shall have hold and enjoy the demised Lands according to the Lease thereof made, without any new Lease to be thereof made to him her or them.

Proceedings in ejectment to cease, on payment or tender of rent and costs; by tenant.

Tenant to hold his lease, if relieved in equity.

Remedies  
in cases of  
rents-seck  
rents of  
assize and  
chief rents

*And be it further Enacted by the Authority aforesaid,* That from and after the passage of this Act, all and every Person or Persons, Bodies Politic and Corporate, shall and may have the like Remedy by Distress and by impounding and selling the same in Cases of Rents-Seck, Rents of Assize, and Chief Rents, which have been duly answered or paid for the Space of three Years, within twenty Years next before the first Day of this present Session of the General Assembly, or shall be hereafter created, as in Case of Rent reserved upon Lease, any Law or Usage to the contrary notwithstanding.

New lease  
by chief  
landlord,  
on sur-  
render of  
old lease,  
to be good  
without  
surrender  
by under  
lessees.

*And for making the renewal of Leases More easy for the future. Be it Enacted by the Authority aforesaid,* That in Case any Lease shall be duly surrendered in order to be renewed, and a new Lease made and executed by the Chief Landlord or Landlords the same new Lease shall without a Surrender of all or any the under Leases be as good and valid to all Intents and Purposes, as if all the under Leases derived thereout, had been likewise surrendered at, or before the taking of such new Lease, and all and every Person and Persons in whom any Estate for Life or Lives, or for Years shall from Time to Time be vested by virtue of such new Lease, and his her and their Executors and Administrators shall be intitled to the Rents Covenants and Duties, and have like Remedy for recovery thereof and the under Lessees shall hold and enjoy the demised Premises respectively, as if the original Leases, out of which the respective under Leases are derived had been still kept on Foot and continued, and the Chief Landlord or Landlords shall have and be intitled to such and the same Remedy by Distress or Entry in and upon the demised Premises, for the Rents and Duties reserved by such new Lease, so far as the same exceed not the Rents, and Duties reserved in the Lease, out of which such under Lease was derived, as they would have had in Case such former Lease had been still continued, or as they would have had in case the respective Under Leases had been renewed under such new principal Lease any Law, Custom or Usage to the contrary hereof notwithstanding.

Rights of  
under  
lessees.

Remedies  
of chief  
landlord  
for rents,  
etc.

Liabilities  
of under  
tenant for  
rent, in  
case of  
death of  
tenant for  
life.

*And be it Enacted by the Authority aforesaid,* That where any Tenant for Life shall happen to die before or on the Day on which any Rent was reserved or made payable upon any Demise or Lease of any Lands Tenements or Hereditaments which Determined on the Death of such Tenant for Life, that the Executors or Administrators of such Tenant for Life shall and may in an Action on the Case recover of and from such under Tenant or under Tenants of such Lands, Tenements or Hereditaments if such Tenant for Life die on the Day on which the same was made payable, the whole, or if before such Day, then a Proportion of such Rent according to the Time such Tenant for Life lived of the last Year, or Quarter of a Year, or other time in which the said Rent was growing due as aforesaid, making all just Allowances or a proportionable Part thereof respectively.

*And whereas* the Possession of Estates in Lands Tenements and Hereditaments is rendered very precarious by the frequent and fraudulent Practice of Tenants, in attorning to Strangers who claim Title to the Estates of their respective Landlord or Landlords, Lessor or Lessors, who by that Means are turned out of Possession of their respective Estates, and put to the Difficulty and Expence of recovering the Possession thereof by actions or Suits at Law, for remedy whereof.

*Be it Enacted by the Authority aforesaid,* That all and every such Attornment and Attornments of any Tenant or Tenants of any Mes-

suages Lands Tenements or Hereditaments shall be absolutely null and void, to all Intents and Purposes whatsoever, and the Possession of their respective Landlord or Landlords, Lessor or Lessors shall not be deemed or construed to be any wise changed altered or affected by any such Attornment or Attornments: *Provided always*, That Nothing herein contained shall extend to vacate or affect any Attornment made pursuant to and in consequence of some Judgment at Law, or Decree or Order of a Court of Equity, or made with the privity and Consent of the Landlord or Landlords, Lessor or Lessors, or to any Mortgagee after the Mortgage is become forfeited.

*And be it further Enacted by the Authority aforesaid*, That every Tenant to whom any Declaration in Ejectment shall be delivered for any Lands Tenements or Hereditaments shall forthwith give Notice thereof to his or her Landlord or Landlords, or his her or their Bailiff or Receiver under Penalty of forfeiting the Value of three Years improved or Rack Rent of the Premises so demised or holden in the Possession of such Tenant, to the Person of whom he or she holds; to be recovered by Action of Debt to be brought in any Court of Record within this Colony, wherein no Essoin Protection or Wager of Law shall be allowed, nor any more than one Impar lance.

*And be it further Enacted by the Authority aforesaid*, That it shall be lawful for the Court where such Ejectment shall be brought to suffer the Landlord or Landlords to make him her or themselves Defendant or Defendants, by joining with the Tenant or Tenants to whom such Declaration in Ejectment shall be delivered, in case he or they shall appear but in Case such Tenant or Tenants shall refuse or neglect to appear, judgment shall be signed against the Casual Ejctor, for want of such Appearance; but if the Landlord or Landlords of any Part of the Lands Tenements or Hereditaments for which such Ejectment was brought shall desire to appear by himself or themselves and consent to enter into the like Rule, that by the Course of the Court the Tenant in Possession in Case he or she had appeared, ought to have done; then the Court where such Ejectment shall be brought, shall and may permit such Landlord or Landlords so to do, and order a stay of Execution upon such Judgment against the casual Ejctor, until they shall make further Order therein.

And to obviate some Difficulties that many Times occur in the Recovery of Rents where the Demises are not by Deed. *Be it further Enacted by the Authority aforesaid*, That it shall be lawful to and for the Landlord or Landlords their Heirs or Assigns, where the agreement is not by Deed to recover a Reasonable Satisfaction for the Lands Tenements or Hereditaments, held or occupied by the Defendant or Defendants, in an Action on the Case for the Use and Occupation of what was so held or enjoyed; and if in Evidence on the Trial of such Action any Parole Demise or any Agreement (not being by Deed,) whereon a certain Rent was reserved shall appear, the Plaintiff in such Action, shall not therefore be non-suited, but may make use thereof as an Evidence of the *Quantum* of the Damages to be recovered.

Fraudulent attornments of tenants to strangers, to be void. Proviso.

Penalty upon tenants, not giving notice to landlords, of delivery of declarations in ejectment.

Landlords in such ejectments, to be admitted defendants with tenants.

Landlords, when to recover by action on the case.

## Chapter XV.

## AN ACT for the better Discovery of Judgments\* in the Courts of Record in this Colony.

PASSED the 9th of March 1774.

**Preamble.** WHEREAS great Mischiefs arise as well to Persons whilst living as to their Heirs Executors and Administrators, and also to Purchasers and Mortgagees by the Difficulty there is in discovering Judgments entered upon Record.

*Be it therefore Enacted by his Excellency the Governor, the Council, and the General Assembly, and it is hereby enacted by the Authority of the same* That the several and respective Clerks of the several and respective Courts of Record in this Province, shall before the last Day of the Term or Court next after the first Day of July in the present Year of our Lord one thousand seven hundred and seventy four, and so in every Term or at every Court or within six Days thereafter make or cause to be made, and put into an Alphabetical Docket by the Name or Names of the Party or Parties against whom such Judgment shall be entered a Particular of all Judgments by Confession, *non sum informatus* or *nil dicit*, and upon Verdicts, Writs of Inquiry, Demurrer, and every other Judgment for Debt or Damages entered in the said respective Courts of the Term or at the Court preceding, which shall contain the Name and Names of the Plaintiff and Plaintiffs and the Name and Names of the Defendant and Defendants his her or their Place or Places of Abode and Title Trade or Profession (if any such be in the Record of the said Judgment) and the Debt Damages and Costs recovered thereby And that the said respective Dockets shall be fairly put into and kept in Books in the respective Offices of the said respective Clerks to be searched and viewed by all Persons at reasonable Times, paying to the respective Clerks in whose keeping the said Books respectively shall be for every Terms Search for Judgments against any one Person six Pence and no more upon Pain that every Clerk of the said respective Courts shall respectively for every Term or Court in which he shall omit or neglect to do his Duty in the Premises forfeit the Sum of One Hundred Pounds, the one Moiety to the Party or Parties aggrieved, and the other Moiety to him or them who shall sue for the same, to be recovered in any Court of Record in this Province with Costs of Suit, wherein no Privilege or Essoin or Protection or Wager of Law shall be admitted nor more than one Impar lance.

*And be it further Enacted by the Authority aforesaid* That no Judgment not Docketed and entered in the Books as aforesaid shall affect any Lands or Tenements as to Purchasers or Mortgagees, or have any Preference against Heirs Executors or Administrators in their Administration of their Ancestors, Testators or Intestates Estates.

*And be it further Enacted by the Authority aforesaid* That hereafter there shall be paid by the Party or Parties in whose Favour any such Judgment shall be entered, to the Clerk of the Court in which such Judgments shall be respectively entered over and above the Fees now due for the same, the Sum of one Shilling and no more for Docketing the said Judgments, which Sum shall be allowed and taxed in the Bill of Costs against the Party or Parties chargeable therewith.

\* So in the original.



*And Whereas* it is the Practice in some of the said Courts for the Attornies of the same Courts, to enter the Judgments of the same Courts on Record and to get the same signed, and it sometimes happens that the Rolls or Records of such Judgments are not filed in the Office of the Clerk of such Court until long after the same are signed as aforesaid by reason whereof many great Mischiefs do happen. *Be it therefore further Enacted by the Authority aforesaid,* That the Clerks of the said respective Courts shall mark upon the Back of the Rolls or Judgments so filed, in their respective offices, the Time of filing the same And that no such Judgment shall affect any Lands or Tenements as to Purchasers or Mortgagees or have any Preference against Heirs Executors or Administrators in their Administration of their Ancestors, Testators or Intestates Estates but from the Time of the actual filing the same in the said respective Offices, And that the Clerks of the several inferior Courts of Record shall and may make the said Dockets from the Minutes of the said Courts, the Proceedings and taxed Bill of Costs in each Cause respectively Any Thing herein contained to the contrary notwithstanding.

Time of  
filing  
Judgment  
Roll; to be  
marked  
thereon.

Dockets  
by clerks  
of inferior  
Courts.

## Chapter XVI.

### AN ACT to prevent the depreciating the Paper Currency of this Colony.

PASSED the 9th of March 1774.

**WHEREAS** the Paper Currency or Bills of Credit issued in the Neighbouring Colonies are not made a legal Tender by any Act of this Colony, and yet for Convenience do pass therein as Money, and are often received in this Colony at a higher Value than they were emitted for by the Colony issuing the same, to the great Discredit and Depreciation of the Bills of Credit of this Colony, the Prejudice of Individuals; the draining the Colony of the Gold and Silver imported therein; and to the Obstruction and Detriment of Commerce.

Preamble.

*Be it therefore Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby Enacted by the Authority of the same,* that after the first Day of May next, No Person shall either pass, exchange, pay or receive any Bill of Credit of any of the Neighbouring Colonies for any Sum, or at any Rate more than the Sum payable therefor at the Treasury of that Colony in which the same was issued upon pain of Forfeiting a Sum equal to the Value of the Bills so passed, exchanged, paid or received at the Rate payable therefor at the Treasury of the Colony issuing the same, to be recovered with Costs of Suit, by Bill Plaintiff or Information in any Court of Record, if the Sums or Bills received, passed, paid or exchanged at one time exceed Five Pounds, and if less before any Justice of the Peace according to the Course prescribed by An Act intitled An Act to empower Justices of the Peace, Mayors, Recorders and Aldermen to try Causes to the Value of five Pounds and under, and for suspending an Act therein mentioned; one Moiety of which said Penalty shall belong to the Person suing for the same, together with the whole Costs and the other Moiety thereof to be applied for the use of the Poor of the City County Town or Place where the Offence was Committed and be paid to such Officer or Officers as

Bills of  
credit of  
neigh-  
bouring  
Colonies,  
provisions  
as to.

are or may be appointed by Law to receive the same for the purposes aforesaid.

Proviso.

*Provided always and it is also hereby enacted and declared by the same Authority, that this Act nor any Clause Article or Thing therein contained shall be construed or adjudged to give a Currency in this Colony to any of the Bills of Credit issued or to be issued in any of the neighbouring Colonies, or to oblige any Person to receive the same.*

## Chapter XVII.

### AN ACT for the more effectual Prevention of private Lotteries.

PASSED the 9th of March 1774.

Preamble. WHEREAS the Laws now in being for the Suppression of Private Lotteries have been found ineffectual to answer the salutary Purposes intended by the Legislature in enacting the Same. *And Whereas* many mischievous Consequences have been experienced from this Practice which has proved highly prejudicial to Trade, has occasioned Idleness and Inattention to Business, been productive of Fraud and Imposition, and has given Birth to a dangerous Spirit of gaming; for remedy whereof, and to suppress a Practice which may be attended with Distress, Impoverishment and ruin to many Families,

Private lotteries, declared common, public nuisances.

Grand juries, to be charged to inquire into offences against act.

Courts to prosecute indictments, and apply penalties.

Forfeiture for setting on foot, or drawing lottery, etc.

*Be it Enacted adjudged and declared, and it is hereby enacted adjudged and declared by his Excellency the Governor the Council and the General Assembly, and by the Authority of the same, That all Lotteries after the first Day of May next other than such as are authorized by the Legislature, are common and public Nuisances, and the Justices of the Supreme Court of Judicature of this Colony, and all other Justices of the Courts of Oyer and Terminer, and the Justices of the Courts of General or Quarter Sessions of the Peace at their several Sessions within the respective Counties in this Colony are hereby empowered and required in all and every of their Charges hereafter to be made by them to the Grand Jurors in their several Courts, strictly to order and charge such Grand Jurors diligently to enquire present or indict all Breaches and Offences against this Act and the Court before whom such Indictment shall be made or found, are hereby empowered and required to prosecute such Indictment in the usual Manner of Prosecution, and upon Conviction to order Costs and Execution, and to apply the Penalties when recovered in the Manner herein directed.*

*And be it further Enacted by the Authority aforesaid, That no Person or Persons from and after the first Day of May next, shall open set on foot, carry on, or draw, publicly or privately, any Lottery, Game or Device of Chance of whatever Nature or Kind it may be, or by whatever Name, Denomination or Title it may be called known or distinguished, or shall by any such Ways or Means expose or set to Sale any Houses, Lands, Tenements and real Estate, or any Goods, Wares, Merchandize Cash or other Thing whatever; and every Person or Persons who shall offend in the Premises against the true Intent and Meaning of this Act, and shall be thereof convicted on the Oath of one or more credible Witness in the Supreme Court of Judicature, or in any of the inferior Courts of Common Pleas in this Colony,*

where such Offense shall be committed, or the Offender found, the Person so convicted shall forfeit double the Amount of the whole Sum or Value for which such Lottery was made; And if such Sum or Value can not be ascertained, then the said Offender shall forfeit five hundred Pounds, one half of the said Forfeiture to be paid to the Treasurer of this Colony for the use of his Majesty, his Heirs and Successors, for and towards the Support of Government, the other Half to the Person giving Information thereof; to be levied by Distress and Sale of the Offender's Goods and Chattels Lands and Tenements, by Process from the said Courts, and for want of Goods and Chattels Lands and Tenements, the Offender to be committed to the common Goal till the said Penalty be paid

Forfeiture in case value can not be ascertained.

Forfeiture recovered, how applied.

Collection, how enforced.

Commitment in certain cases.

Penalty for selling or purchasing tickets, or aiding Lottery.

And be it further Enacted by the Authority aforesaid, That if any Person shall vend or sell, or offer to vend or sell any Ticket or Tickets, or if any Person or Persons shall purchase the same, or shall in any wise become Adventurer or Adventurers, or be any ways concerned in any such Lotteries or Games of Chance by aiding or assisting in the same, either by printing writing or any other ways publishing an Account thereof, or where Tickets may be had for the same, every Person or Persons so offending, shall upon being convicted thereof as above forfeit Ten Pounds for every Offense to be recovered and applied in Manner above directed.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons who shall be Adventurers in such Lotteries or Games as aforesaid for transferring of Property by Lot or Chance, shall become intitled to any Prize or Prizes, he or they shall be liable to forfeit the same to such Person or Persons who shall give Information thereof, so that such Offender may be convicted in Manner above directed; for the Recovery whereof the said Person or Persons so informing, shall be intitled to maintain an Action in any Court of Record in this Colony, against the Person who shall set up the said Lottery or Game, or Person or Persons selling or offering to sale any Ticket or Tickets, and if the Person or Persons so informing as aforesaid be himself an Adventurer in such Lottery or Game, he shall upon giving such Information as aforesaid be exempted from the Penalty which he would otherwise incur by this act; And every Person or Persons adventuring as aforesaid whose Ticket or Tickets shall prove or turn up Blank, shall upon giving Information as aforesaid so that the Person or Persons setting up and drawing the said Lottery or other Game or selling or offering for Sale such Ticket or Tickets may be convicted, be intitled to recover against such Person or Persons the Money he or they adventured therein, with double Costs of Suit by Action of Debt in any of the Courts abovementioned in this Colony: And if the Person or Persons setting on Foot, and drawing such Lottery or Game as aforesaid, shall either before or after the drawing or finishing the same give Information thereof, so that the Persons adventuring therein may be convicted in Manner before directed he or they shall not only be exempted from the Penalty he or they would otherwise have incurred by this Act, and be intitled to the Reward allowed to Persons informing in such Case, but shall also have a Right to retain all such Monies as he or they may have received in the Sale of Tickets.

Adventurers in Lotteries, etc. to forfeit prizes drawn.

Manner of recovery.

Adventurers may recover money paid for tickets drawing blank.

May recover double costs.

Owners of lottery, giving information of drawing, etc. exempted from penalty.

To be entitled to reward, and may retain moneys received for tickets.

And for the more easy Detection of the said Lotteries or Games, Be it further Enacted by the Authority aforesaid. That it shall be lawful for any of the Justices of the Supreme Court of Judicature; the Judges of the Inferior Courts of Common Pleas, or any Justice of the Peace

Persons suspected, may be examined before certain magistrates.

May be exempted from penalty and prosecution on making true answer. Commitment for refusal to answer.

Conveyances of land, in pursuance of any lottery, to be void.

Civil officers, etc., to prevent drawing of lotteries.

Recovery of penalties, from two or more persons, how made.

in this Colony, having reasonable Cause to suspect that any such Lottery or Game as aforesaid is set on foot or carrying on, to summon any Person or Persons who shall be suspected to be privy to the same, and to examine him or them touching the same, and in order that such Persons may not be excused from answering any Questions which shall be asked them by either of the said Judges or Justices by Colour of any Plea or Pretence that they may thereby incur any Penalty inflicted by this Act, or any other Act of this Colony; it is hereby declared that they shall upon being examined as aforesaid, and declaring all they know touching the Matters enquired of them by the said Judges or Justices, be exempted from any such Penalty and from all Prosecutions in virtue of this Act, or any other Act of this Colony: And in Case any Person summoned as aforesaid, shall refuse to be sworn, or answer such Questions as shall be asked thereupon, the Judges or Justices shall, and hereby are empowered to commit such Person to the Common Goal, there to remain till he shall comply, or be from thence delivered by due Course of Law.

*And be it further Enacted by the Authority aforesaid,* That every Conveyance Grant Bargain Sale or Transfer of any Lands Tenements, Hereditaments and real Estate, or of any Goods or Chattels whatsoever, which shall hereafter be made in pursuance of any such Lottery Game or other Device to be determined by Chance or Lot are hereby declared void and of none Effect.

And for the more effectual Suppressing and preventing such unlawful Lotteries. *Be it further Enacted,* That the Justices of the Peace, and all Mayors Bailiffs, Constables and other his Majesty's Civil Officers within their respective Jurisdictions, are hereby empowered directed and required to use their utmost Endeavors to prevent the drawing of any such unlawful Lotteries, by all lawful Ways and Means, according to the true Intent and Meaning of this Act.

*And be it further Enacted by the Authority aforesaid,* That where any two or more Persons shall be concerned in setting on Foot, carrying on, or drawing any Lottery or Game of Chance, or be joint Adventurers in the same, the Penalties abovesaid may be recovered against all or either of them, any Thing in this Act, or any Law to the contrary notwithstanding.

## Chapter XVIII.

AN ACT to revive an Act entitled "An Act to restrain Hawkers and Pedlars within this Colony from selling without Licence," with an Addition thereto.

PASSED the 9th of March 1774.

*Be it Enacted by his Excellency the Governor, the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That the Act entitled "An Act to restrain Hawkers and Pedlars within this Colony from selling without Licence," passed the twenty seventh Day of January, one thousand seven hundred and seventy, shall be and hereby is revived and every Article Matter and Clause therein contained enacted to be and remain in full force until the first Day of February which will be in the year of our Lord one thousand seven hundred and seventy five,

Act of 1770, revived.

To remain in force to Feb. 1, 1775.

*And be it further Enacted by the same Authority,* That if any Hawker or Pedlar shall sell any kind of Goods, wares or Merchandize whatsoever unto any Slave, without the Leave and Permission of the Person owning such Slave, and shall be thereof accused by any Person, and convicted before any one Justice of the Peace of this Colony, shall for every such Offence, forfeit and pay the Sum of five Pounds, which Justice is hereby strictly required and directed to hear and finally determine the same, and give Judgment and award Execution in the usual Manner of Proceeding on the Trial of Causes of the value of five Pounds and under before Justices of the Peace; the one half of which Forfeiture shall go to the Person suing for the same, and the other half to the Overseers of the Poor in the District where such Offence shall be committed, to be by the Overseers of the Poor applied to the use of the Poor of such District, any Law, Usage or Custom to the contrary notwithstanding.

Penalty for sale of goods to slaves, by pedlars.

Forfeiture recovered, how disposed of.

## Chapter XIX.

AN ACT to amend an Act entitled "An Act for the speedy punishing and releasing such Persons from Imprisonment, as shall Commit any Criminal Offences, under the Degree of Grand Larceny."

PASSED the 9th of March 1774.

WHEREAS the aforesaid Act has been found very beneficial, and it is disputable whether the Justices of the Peace may try an Offender against the said Act, who is of Ability and refuses to give sufficient Bail in the Manner therein directed,

*Be it therefore Enacted by his Excellency the Governor, the Council and the General Assembly and it is hereby enacted by the Authority of the same,* That when any such Offender shall be in Custody in the Manner mentioned in the said Act, it shall be at his own Election or Choice to give sufficient Bail; and upon Refusal, three Justices of the Peace shall try him in the Manner directed in the said Act, any Thing contained therein to the contrary in any wise notwithstanding: *And also,* That this Act shall extend to the trial of offenders against one other Act, entitled "An Act to relieve the Cities and Counties of this Colony by the speedy Trial of petty Offenders."

Offenders in custody, may elect to give bail.

Trial in case of refusal.

Act extended.

## Chapter XX.

AN ACT to prevent the Abatement of Suits by the Death of the Parties.

PASSED the 9th of March 1774

WHEREAS the Practice of the Courts of Equity in Cases where there are many Parties to Suits depending therein, may be attended with great Delays and Expence by the Death of some of the Parties, and the abatement of such Suits in Consequence thereof; And Whereas

Preamble.

every Obstacle to the Easy and expeditious Administration of Justice should be removed, every unnecessary Expence prevented, and the Remedy of Suitors be as much as possible facilitated,

*Be it therefore declared and Enacted by his Excellency the Governor the Council and the General Assembly and it is hereby declared and enacted by the Authority of the same,* That in all Actions now depending, or which shall hereafter be brought in any Court of Equity in this Colony, if there be two or more Plaintiffs or Defendants, and one or more of them should die, if the Cause of Action shall survive to the surviving Plaintiff or Plaintiffs, or against the Surviving Defendant or Defendants, such Action shall not be thereby abated, but the same shall proceed at the Suit of the Surviving Plaintiff or Plaintiffs, against the Surviving Defendant or Defendants, such Death being suggested by Affidavit or otherwise to the Satisfaction of the Court.

Actions in courts of equity, not to abate by death of one party, if cause of action survives.

Surviving plaintiff, etc., right of, to proceed with-out reviving suit in certain cases.

Representatives of deceased, when parties, how bound.

Suit to stand revived, when plaintiff makes such representatives a party.

Order of court, how served. Plaintiff, when to enter appearance by representatives.

Representatives of deceased plaintiff, when to be admitted as complainants.

Amendments in bill of complaint.

*And be it further Enacted by the Authority aforesaid,* That in all and every such Action or Actions in which any Bill or Bills is, are, or shall or may hereafter be filed, and in which there shall be two or more Plaintiffs or Defendants, and any of them shall die, and the Cause of Action shall not Survive, but other Persons shall become Parties in Interest, in right of such deceased Party; any such Suit shall by reason of such Death, be abated only with respect to such deceased Person or Persons, and the surviving Plaintiff or Plaintiffs shall and may proceed against the surviving Defendant or Defendants, without reviving the Suit against the Representatives of the deceased Party, *Provided however,* that in such Case such Representatives shall not be bound by any Order or Decree in such Cause, to which they are not made Parties: And in Case the Plaintiff or Plaintiffs shall choose to make the Representatives of the deceased Person, Parties to such Suit, no Bill of Rivivor, or *Subpœna ad revivendum*, shall be necessary, but the Court in which such Action shall be depending, shall and may by Rule or Order as often as there shall be Occasion for it, direct the Suit to stand revived; which Rule or Order shall be served on the adverse Clerk; and unless the Representatives of such deceased Person or Persons shall within eighty Days after such Service as aforesaid, appear and file their Answer, or signify their Disclaimer of the Suit and the Matters in controversy thereby, the Plaintiff or Plaintiffs may cause their Appearance to be entered, and in such Case the Answer of the deceased Person or Persons shall be deemed and taken as and for the Answer of such Representatives.

*And be it further Enacted by the said Authority aforesaid,* That in Case any Plaintiff or Plaintiffs, in such Suit or Suits in Equity now depending or hereafter to be brought, wherein the Cause of Action shall not survive as aforesaid shall happen to die, pending such Suit or Suits, the lawful Representative or Representatives of such deceased Plaintiff or Plaintiffs shall and may upon Affidavit in such Suit or Suits, by him or them or any other Person or Persons, and on Motion thereon made in open Court be by Rule or Order of such Court inserted as a Complainant or Complainants in the said Suit or Suits, and be permitted to make such Amendments in the Bill or Bills of Complaint as his her or their Title or Interest therein, under such deceased Plaintiff or Plaintiffs may require, to which Amendment or Amendments, the Defendant or Defendants shall be compellable by Rule and Order of the said Court to answer, proceed to Issue and Examinations of Witnesses and Production of Proofs, and all other Proceedings shall be had thereon as in ordinary Cases: And in Case such Person or Persons shall not within Eighty Days after the Death or Deaths of such

Plaintiffs cause himself, herself or themselves to be entered Plaintiff or Plaintiffs as aforesaid in the Room of such deceased Plaintiff or Plaintiffs, that then and in every such Case the surviving Plaintiff or Plaintiffs may insert the Representative or Representatives of such deceased Plaintiff or Plaintiffs as Defendant or Defendants in such Suit or Suits and proceed in such Manner as by this Act is directed in Cases where the lawful Representative or Representatives of a deceased Defendant or Defendants may be made Party or Parties.

Right of  
surviving  
plaintiff.

## Chapter XXI.

AN ACT to prevent the breaking or defacing the Mile Stones now or hereafter to be erected in this Colony.

PASSED the 9th of March 1774.

WHEREAS the erection of Mile Stones, Hands Pointers, or any other Monument erected for the Direction of Travellers, along the Public Roads, contributes greatly to the Convenience of Travellers, And Whereas a Number of them have been put up in different Parts of this Colony, and probably many more will hereafter be erected,

Be it therefore Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, if any Person or Persons shall remove or willfully break, deface or in any wise damage any or either of the Mile Stones, Hands, Pointers or any other Monument already erected and put up, or hereafter to be erected or put up within this Colony, the Person or Persons so removing or willfully breaking defacing or in any wise damaging any or either of the said Mile Stones, Hands, Pointers, or any other Monument, shall forfeit for every such Misdemeanor the Sum of three Pounds, to be recovered before any one of his Majesty's Justices of the Peace of the County where such offence shall be committed, who is hereby impowered in a summary way to hear and determine such Offence, and to cause such Forfeiture to be levied on the Goods and Chattels of the Offender, and in Default thereof to commit him to the common Goal there to remain for the Space of two Months, unless the Forfeiture be sooner paid, the said Forfeiture to be applied, the one Half to the Prosecutor; and the other Half after repairing the Damage, to go to the Poor.

Penalty  
for willful  
destruction  
or  
injury of  
mile  
stones, etc.

How  
recovered  
and col-  
lected.

Commit-  
ment of  
offender  
for de-  
fault in  
payment.  
Penalty  
recovered,  
how  
applied.

And be it further Enacted by the Authority aforesaid, That if any Slave shall be guilty of the Offence intended to be prevented by this Act, such Slave shall for every such Offence, upon Conviction thereof before any one of his Majesty's Justices of the Peace be committed to the Common Goal and receive thirty nine Lashes on the bare Back unless the said Forfeiture of three Pounds be paid within six Days after such Conviction.

Penalty  
for viola-  
tion of act  
by a slave.

And be it further Enacted by the Authority aforesaid, That all Grand Jurors, and all Judges, Justices, Sheriffs, Constables and other Civil Officers within their respective Jurisdictions shall as much as in them lies endeavor to find out such Offenders, and prevent, prosecute and punish them according to the true Intent and Meaning of this Act.

Duty of  
grand  
jurors,  
magis-  
trates, etc.,  
in giving  
effect to  
act.

## Chapter XXII.

AN ACT for preventing tumultuous and riotous Assemblies in the Places therein mentioned, and for the more speedy and effectual punishing the Rioters.

PASSED the 9th of March 1774.

**Preamble.** WHEREAS A Spirit of Riot and Licentiousness has of late prevailed in some Parts of the Counties of Charlotte and Albany, and many Acts of Outrage and Cruelty have been perpetrated by a Number of turbulent Men, who assembling from Time to Time in Arms have seized insulted and menaced several Magistrates and other Civil Officers, so that they dare not execute their respective Functions; rescued Prisoners for Debt; assumed to themselves Military Commands and Judicial Powers; burned and demolished the Houses and Property, and beat and abused the Persons of many of his Majesty's Subjects; expelled others from their Possessions, and finally have put a Period to the administration of Justice within, and spread Terror and Destruction throughout that Part of the Country which is exposed to their Oppression: Therefore for the Preventing and suppressing such Riots and Tumults; and for the more speedy and effectual punishing the Offenders therein,

Riotous  
assem-  
blages,  
Proclama-  
tion to, to  
disperse.

Proceed-  
ings in  
case of  
failure to  
obey  
Proclama-  
tion.

Offenders,  
how pun-  
ished,  
upon con-  
viction.

Security  
for good  
behaviour

Form of  
Proclama-  
tion to  
rioters.

*Be it Enacted by his Excellency the Governor, the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That if any Persons to the Number of three or more being unlawfully, riotously and tumultuously assembled within either of the said Counties to the Disturbance of the Public Peace at any Time after the Passing of this Act, and being required or commanded by any one or more Justice or Justices of the Peace, or by the High Sheriff, or his Under Sheriff, or by any one of the Coroners of the County where such Assembly shall be; by Proclamation to be made in the King's Name, in the Form herein after directed to disperse themselves and peaceably to depart to their Habitations, or to their lawful Business, shall to the Number of three or more notwithstanding such Proclamation made, unlawfully riotously and tumultuously remain or continue together after such Command or request made by Proclamation, that then every Person or Persons so continuing together to the Number of three or more, after such Command or request made by Proclamation, shall for every such Offence upon Conviction thereof in due Form of Law, either in the Supreme Court of Judicature of this Colony, or at the Courts of Oyer and Terminer and general Goal Delivery, or at the General Sessions of the Peace to be held respectively in and for the said Counties of Albany or Charlotte or either of them suffer twelve Months Imprisonment without Bail or Mainprize, and such further Corporal Punishment as the respective Courts before which he she or they shall be convicted, shall judge fit, not extending to Life or Limb, and before his her or their Discharge shall enter into Recognizance with two sufficient Securities in such Sums as the said Courts shall respectively direct, to be of the good Behaviour, and to keep the Peace towards his Majesty and all his Subjects for the Term of three Years from such his her or their Discharge out of Prison.

*And be it further Enacted by the Authority aforesaid,* That the Order and Form of the Proclamation which shall be made by the Authority of this Act, shall be as hereafter follows, *that is to say,* the Justice or



other Person authorized by this Act to make the said Proclamation, shall among the said Rioters, or as near to them as he can safely come, with a loud Voice command or cause to be commanded, Silence to be kept while Proclamation is making, and shall then openly with a loud Voice, make or cause to be made Proclamation in these Words or to the like Effect: "Our Sovereign Lord the King chargeth and commandeth all Persons being assembled, immediately to disperse themselves, and peaceably to depart to their Habitations, or to their lawful Business upon the Pain contained in the Act made in the fourteenth Year of the Reign of King George the third for preventing tumultuous and Riotous Assemblies," and every such Justice and Justices of the Peace, Sheriff, under Sheriff or Coroner within the Limits of the respective Counties where they reside are hereby authorized empowered and required on Notice or Knowledge of any such unlawful riotous and tumultuous Assembly, forthwith to repair to the Place where such unlawful riotous and tumultuous Assembly shall be, to the Number of three or more, and there to make or cause to be made Proclamation in Manner aforesaid.

Justices, sheriffs or coroners, required to make such Proclamation.

*And be it further Enacted by the Authority aforesaid,* That if any Person or Persons do or shall with Force and Arms wilfully and knowingly oppose obstruct or in any Manner wilfully and knowingly let, hinder or hurt any Person or Persons who shall begin to proclaim, or go to proclaim according to the Proclamation hereby directed to be made whereby such Proclamation shall not be made; that then every such opposing, letting hindering or hurting such Person or Persons so beginning or going to make such Proclamation as aforesaid shall be adjudged Felony without Benefit of Clergy; and that the Offenders therein shall be adjudged Felons and shall suffer Death as in Cases of Felony without benefit of Clergy, and that also every such Person or Persons so being unlawfully riotously and tumultuously assembled to the Number of three as aforesaid or more to whom Proclamation should or ought to have been made if the same had not been hindered as aforesaid shall in Case they or any of them to the Number of three or more shall continue together, and not forthwith disperse themselves after such Let or Hindrance so made, having knowledge of such Let or Hindrance; shall likewise for every such Offense upon Conviction thereof in Manner aforesaid suffer the same Pains and Penalties as are hereby inflicted on those who shall continue together to the Number of three or more after they shall be commanded to depart to their Habitations or lawful Business by Proclamation as aforesaid.

Willful obstruction or injury to officers making Proclamation, deemed a felony, punishable by death.

Penalty for disobeying Proclamation to disperse.

*And be it further Enacted by the Authority aforesaid,* That if such Persons so unlawfully riotously and tumultuously assembled or any three or more of them after Proclamation made in Manner aforesaid shall continue together and not forthwith disperse themselves, it shall and may be lawful to and for every such Justice of the Peace Sheriff under-Sheriff, Coroner or Constable of any County or Township, where such Assembly shall be, and to and for such Person or Persons as shall be commanded to be assisted unto such Justice of the Peace Sheriff under Sheriff Coroner or Constable who are hereby authorized and empowered to command all his Majesty's Subjects of age and ability to be aiding and assisting to them therein, to seize and apprehend, and they are hereby required to seize and apprehend such Persons so unlawfully riotously and tumultuously assembled together after Proclamation made as aforesaid and forthwith to carry the Persons so apprehended before any one or more of his Majesty's Justices of the Peace of the said Counties of Charlotte or Albany in order to their

Sheriff, justice, etc., to apprehend persons, continuing assembled, after Proclamation made.

Offenders how proceeded against.

Officers.  
etc. etc.  
for the  
etc. etc.  
etc. etc.  
etc. etc.

being proceeded against for such their Offences according to Law. And that if the Persons so unlawfully, riotously and tumultuously assembled, or any of them shall happen to be killed maimed or hurt in the dispersing seizing or apprehending or endeavoring to disperse or apprehend them, by reason of their resisting the Persons so dispersing seizing or apprehending or endeavoring to disperse seize or apprehend them, that then every such Justice of the Peace, Sheriff, under Sheriff, Coroner or Constable and all and singular Persons being aiding and assisting to them, or any of them, shall be freed, discharged and indemnified as well against the King's Majesty his Heirs and Successors as against all and every other Person and Persons, of for or concerning the killing, maiming or hurting of any such Person or Persons so unlawfully riotously and tumultuously assembled that shall happen to be so killed maimed or hurt as aforesaid.

Unlaw-  
fully  
assuming  
judicial  
powers.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons within the said Counties or either of them, not being lawfully authorized as a Judge, Justice or Magistrate, shall assume Judicial Power, or shall try, fine, sentence or condemn any Person who shall either be absent or shall unlawfully or forcibly be seized taken or brought before him or them for Trial or Punishment; or if any Person or Persons shall aid or Assist in such illegal Proceedings, or shall inforce execute or carry the same into effect, or if any Person or Persons shall unlawfully seize detain or confine, or assault and beat any Magistrate or Civil Officer, for or in the respect of any Act or Proceeding in the due Exercise of his Function, or in order to compel him to resign renounce or surcease his Commission or Authority, or to terrify, hinder or prevent him from performing and discharging the Duties thereof, or if any Person or Persons either secretly or openly, shall unlawfully wilfully and maliciously burn or destroy the Grain Corn or Hay of any other Person, being in any enclosure, or if any Persons unlawfully riotously and tumultuously assembled together to the Disturbance of the Public Peace, shall unlawfully and with Force demolish or pull down, or begin to demolish or pull down any dwelling House Barn Stable, Grist Mill, Saw Mill or Out House within either of the said Counties, that then each of the said Offences respectively shall be adjudged Felony without Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death as in Cases of Felony without Benefit of Clergy.

Unlaw-  
fully  
seizing  
detaining  
etc. any  
magis-  
trate, etc.,  
in the ex-  
ercise of  
his office.

Unlaw-  
fully  
burning  
grain, hay,  
etc.

Unlawful  
demolition  
of build-  
ings.

Offences  
hereto  
above enu-  
merated,  
a felony,  
punish-  
able by  
death.

Certain  
persons  
charged  
with riot-  
ous prac-  
tices, etc.

And Whereas Complaint and Proofs have been made as well before his Excellency the Governor in Council as before the General Assembly, That Ethan Allen sometime of Saulsbury in the Colony of Connecticut, but late of Bennington in the County of Albany Yeoman, Seth Warner late of Bennington in the said County Yeoman, Remember Baker late of Arlington in the said County Yeoman, Robert Cockran late of Rupert in the County of Charlotte Yeoman, Peleg Sunderland & Sylvanus Brown late of Socialborough in the same County Yeoman, James Brackenridge late of Wallumschack in the County of Albany Yeoman, and John Smith late of Socialborough in the County of Charlotte Yeoman, have been principal Ringleaders of, and Actors in the Riots and Disturbances aforesaid; and the General Assembly have thereupon addressed his Excellency the Governor to issue a Proclamation offering certain Rewards for apprehending and securing the said Offenders, and for bringing them and the other Perpetrators and Authors of the said Riots to Justice; and forasmuch as such disorderly Practices are highly Criminal and destructive to the Peace and settlement of the Country, and it is indispensably necessary for

want of Process to Outlawry (which is not used in this Colony,) that special provision be made for bringing such Offenders in future to Trial and Punishment without exposing the Colony to the Expence of extraordinary Rewards and Bounties for apprehending such Offenders.

Be it therefore Enacted by the Authority aforesaid, That it shall and may be lawful to and for his Excellency the Governor, or the Governor or Commander in Chief for the Time being by and with the Advice of the Council as often as either of the abovenamed Persons or any other person shall be indicted in either of the Counties aforesaid for any Offence perpetrated after the passing of this Act made capital by this or any other Law, or where any person may stand indicted for any of the Offences abovementioned, not made Felony by this Act to make his Order in Council thereby requiring and commanding such Offender and Offenders to surrender themselves respectively within the Space of seventy Days next after the first Publication thereof in the New York Gazette and Weekly Mercury, to one of his Majesty's Justices of the Peace for either of the said Counties respectively, who are hereby required thereupon to commit him or them without Bail or Mainprize to the Goal of the City of New York, or of the City and County of Albany, to the End that he or they may be forthcoming to answer the Offence or Offences wherewith he or they shall stand charged according to the ordinary Course of the Law which Order the Clerk of his Majesty's Council or his Deputy shall cause to be forthwith printed and published in eight successive Papers of the New York Gazette and Weekly Mercury, the two first of which to be forthwith transmitted to the Sheriffs of the Counties of Albany and Charlotte, and the said Sheriffs respectively shall within six Days after the Receipt thereof cause the same printed Orders to be affixed upon the Door of the Court House of the County of Albany, and upon the Door of the Dwelling House of Patrick Smith Esquire, where the Courts are now usually held for the said County of Charlotte, and upon the Doors of two other Public Houses in each of their respective Counties; And in Case the said Offenders shall not respectively surrender themselves pursuant to such Order of his Excellency the Governor, or of the Governor or Commander in Chief for the Time being to be made in Council as aforesaid, he or they so neglecting or refusing to surrender himself or themselves as aforesaid, shall from the Day to be appointed for his or their Surrender as aforesaid be adjudged deemed and taken (if indicted for a Capital Offence hereafter to be perpetrated.) to be convicted and attainted of Felony, and shall suffer Death as in Cases of Persons convicted and attainted of Felony by Verdict and Judgment without Benefit of Clergy; and that it shall and may be lawful to and for the Supreme Court of Judicature of this Colony, or the Courts of Oyer and Terminer or General Goal Delivery for the respective Counties aforesaid to award Execution against such Offender or Offenders so indicted for a Capital Offence perpetrated after the passing of this Act in such Manner as if he or they had been convicted or attainted in the said Supreme Court of Judicature or before such Courts of Oyer and Terminer or General Goal Delivery respectively; and if any Offender being indicted for a lesser Offence under the Degree of Felony shall not surrender himself within the Time fixed by such Order and after such Notice as aforesaid, he shall thenceforth be deemed guilty of the Offence for which he may be charged, by such Indictment, and it shall be lawful for the Court wherein such Indictment is found to proceed to pronounce such Judgment against the Offender as might lawfully be done if he was present in Court, and

Persons indicted for riot, etc., after passage of act, how notified to surrender.

Notice, how published.

Offenders failing to surrender themselves, to suffer death, if indicted for capital offence.

If indicted for lesser offence, how punished.

convicted in the ordinary Course of the Law, of the Crime wherewith he shall so stand charged as aforesaid.

Proviso,  
as to per-  
sons sur-  
rendering  
after  
seventy  
days, in  
case of  
absence  
from  
county, at  
publi-  
cation of  
notice.

*Provided always and be it further enacted by the same Authority, That if any Person so neglecting to surrender himself as aforesaid within the said seventy Days shall at any time afterwards surrender himself to the Sheriff of the City of New York or Albany, or of the Counties of Dutchess or West Chester, (who are to receive and safely keep such Offender,) and being actually in custody exhibit reasonable Proof to the Satisfaction of the Judges of the Supreme Court of this Colony, or either of them, that he was not within either of the said Counties of Albany or Charlotte, or within either the Counties of Cumberland or Gloucester at any Time after the Publication and Notice above directed, and before such Surrender of himself as aforesaid, then such Judge before whom such Proof is made shall forthwith notify the same in Writing to the Sheriff to whom any Warrant of Execution for the Executing such Offender or any other Process for any lesser Punishment, hath been or may be issued, and thenceforth such Prisoner or Offender shall not be liable to suffer Death or any other Punishment for not surrendering himself within the said seventy Days as aforesaid. *Provided also, That Nothing in this Act contained shall be construed to exempt any Offender so surrendering himself after the seventy Days as aforesaid from any Punishment to which he may be liable for any other Crime than for not surrendering himself within the seventy Days as aforesaid, nor to deprive any Person who shall so surrender himself within the seventy Days from being bailed in Cases where he shall be bailable by Law; any Thing herein contained to the contrary thereof in anywise notwithstanding.**

Exemption,  
not to  
apply to  
other  
crimes.

Harbour-  
ing of  
offenders,  
not sur-  
rendering,  
how pun-  
ished.

*And be it further Enacted by the same Authority, That all and every Person and Persons who shall after the expiration of the Time to be appointed as aforesaid for the surrender of the respective Offenders herein before named, harbour, receive conceal, abet or succour such Offender or Offenders knowing him or them to have been required to surrender him or themselves by such Order or Orders as aforesaid, and not to have surrendered pursuant thereto, shall upon Conviction thereof in due Form of Law suffer the same Pains and Penalties as are by this Act inflicted on those who shall continue together to the Number of three or more after they shall be commanded to depart to their Habitations or lawful Business by Proclamation as aforesaid.*

*And whereas the said County of Charlotte hath but lately been set off from the said County of Albany, and there is yet no Goal or Court House erected within the same, and a great Part of the said County being involved in a state of Anarchy and Confusion by reason of the Violent Proceedings of the aforesaid riotous and disorderly People, from whence it must at present be extremely difficult if not impracticable to bring Offenders to Justice within the said County.*

Offences  
committed  
in Char-  
lotte  
county,  
how pre-  
sented and  
tried in  
Albany  
county.

*Be it therefore further Enacted by the Authority aforesaid That all Treasons Felonies, Crimes, Misdemeanors and Offences whatsoever at any Time heretofore committed or perpetrated, or hereafter to be committed or perpetrated within the said County of Charlotte shall and may be proceeded against and presented by any Grand Jury for the County of Albany, from Time to Time to be impanelled and sworn at any Court of criminal Jurisdiction to be held in and for the said County of Albany, who shall and may charge any of the said Offences to have been committed in any Part of the said County of Charlotte, and all Indictments so found by them shall be adjudged to be good and valid, notwithstanding that the Place of perpetrating any of the*

said Offences be in the said Indictments alledged to be out of the said County of Albany; and all such Offences and Offenders which shall be presented or indicted as aforesaid, shall and may be tried within the County of Albany and by a Jury thereof, and there heard determined and punished in the same Manner and Form, as if such Treason, Felony, Crime, Misdemeanor or Offence had arisen and been perpetrated within the said County of Albany.

How punished.

*Provided always and be it further Enacted*, That if at any Time hereafter the Justices to be appointed for holding Courts of Oyer and Terminer and General Goal Delivery for the said County of Charlotte, in Cases cognizable before them; or the Justices of the General Sessions of the Peace for the said County of Charlotte, in Cases cognizable before them; shall conceive that any Prisoner or Offender, may be safely brought to Justice within, and by a Jury of the said County of Charlotte; that then it shall and may be lawful to and for each of the said Courts respectively to proceed against, and try such Prisoner or Offender, having lawful Cognizance of his Cause, within and by a Jury of the said County of Charlotte, and him there to acquit and deliver, or to sentence condemn and punish as the Law directs; any Thing in this Act to the contrary thereof notwithstanding.

Trials may be had, etc., in Charlotte county, when magistrates deem safe, etc.

*And be it further Enacted by the Authority aforesaid*, That this Act shall be publickly read in every Court of General Sessions of the Peace to be held in each of the said Counties of Albany and Charlotte respectively.

This act how read in general sessions.

*And be it further Enacted by the Authority aforesaid*, That this Act shall remain and continue in full Force and Effect from the passing thereof, until the first Day of January which will be in the Year of our Lord one thousand seven hundred and seventy six.

Act to be in force to January 1, 1776.

## Chapter XXIII.

### AN ACT for the better regulating the Public Roads in the City and County of New York.

PASSED the 9th of March 1774

*Be it Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same*, That the Mayor Aldermen and Commonalty of the City of New York and their Successors shall be and hereby are appointed Commissioners to regulate and keep in repair the present Highways, and to lay out regulate and keep in repair such other Public Roads or Highways in the said City and County as shall hereafter be laid out by Act or Acts hereafter to be passed for that Purpose, and they are hereby fully authorized and empowered to put in execution the several Services intended by this Act, *that is to say*, That the said Commissioners are hereby authorized and empowered to widen all Public Roads and Highways already laid out in the said City and County to such convenient Breadth not exceeding four Rods nor less than two, (provided that the Main Road leading to King's Bridge shall not be of less Breadth than it is at present, nor any part thereof less than four Rods wide,) as the said Commissioners shall judge fit to make them passable for Horses and Carriages, paying the Owner or Proprietor

Mayor, aldermen and commonalty, appointed commissioners to regulate public roads, etc.

To widen roads, and to pay land damages, assessed by a Jury.

the Value thereof as shall be assessed by a Jury summoned as usual, (Provided that no Person be paid for any Land which they have incroached on the Road,) and also to make all such other Public Roads or Highways as they shall think necessary or convenient to lay out in the said City and County in Manner as aforesaid, if the Owner or Owners of the Lands through which such new Roads are to run will on reasonable Recompence consent to the same, and to alter any old Roads which they shall think proper, provided such Alteration be made and done with the Consent of the Owner or Owners of the Lands contiguous thereto; And also to make and build Bridges and Causeways where they shall think it necessary, and to dig Ditches from the said Road or Roads through any Person's Land where they shall judge it necessary for carrying off the Water and keeping the Roads dry, and also to appoint one or more Surveyors or Overseers of the said Roads, and to employ Labourers and Workmen on the best Terms they can to make and keep in repair the said Public Roads or Highways.

*And be it further Enacted by the Authority aforesaid,* That the said Commissioners shall from Time to Time during the Continuance of this Act enter in Writing all the Roads or Highways by them widened laid out or altered to be signed by the Clerk of the said Mayor Aldermen and Commonalty, and cause the same to be entered in the Records of the said City and County; and whatever the said Commissioners shall do according to the Power given them by this Act being so entered on Record shall be deemed valid and good to all Intents, Constructions and Purposes in the Law whatsoever

*And be it further Enacted by the Authority aforesaid,* That in Case any Person or Persons shall wantonly spoil or damage any such Roads, Bridges or Causeways or fill up or destroy any of the Ditches aforesaid, or Fence across any of the said Roads or Highways, or erect or set up any Gates thereon, or put or leave in them any unnecessary Obstruction without Leave of the said Commissioners, such Person or Persons shall for every such Offence forfeit and pay to the Chamberlain of the City of New York the Sum of forty Shillings to be applied to the repairing and embellishing the said Roads or Highways as the said Commissioners shall think fit, and to be recovered by the said Chamberlain by Action of Debt with Costs of Suit in a Summary way, before any Justice of the Peace within the said City: And in Case any Person or Persons shall leave a dead Horse or the Carcase of any other Beast, or any broken Carriage on any of the said Roads or Highways, for any longer Time than is necessary in order to remove the same, or set up near the said Roads or Highways, any Thing by which Horses are usually affrighted, or shall by any improper Behaviour Affright any Horse or Traveller on any of the said Roads, every such Person or Persons shall for every such Offence forfeit the Sum of forty Shillings, and any Person leaving a dead Dog in any of the said Roads or Highways shall forfeit the Sum of ten Shillings, to be recovered, paid and applied as aforesaid.

*And be it further Enacted by the Authority aforesaid,* That in Case any Person or Persons shall fell or in any way destroy any Tree or Trees standing on any of the said Roads or within the Distance of one Rod of any of them, without the Leave of the said Mayor Aldermen and Commonalty, or of the Owner of such Tree or Trees, such Person or Persons shall for every such Offence forfeit the Sum of three Pounds, to be recovered paid and applied as aforesaid.

To make new roads and alter old roads, with consent of land owners.

To build bridges, dig ditches, etc.

To appoint overseers or surveyors of roads, etc.

Commissioners to record roads laid out, altered or widened.

Penalty, for wanton injury to roads, bridges, ditches, etc., or obstruction of roads.

How recovered and applied.

Penalty, for leaving broken carriage, dead horse or dog, in highway.

Penalty, for destroying trees along roads.

*And be it Enacted by the Authority aforesaid,* That all Persons meeting each other on any of the said Roads or Highways in Carriages or Sleighs, those going out shall give way to such as are coming towards the Town, under the Penalty of forty shillings to be recovered and applied as aforesaid

Persons going from town in vehicles to give way to those coming to it.

*And be it further Enacted by the Authority aforesaid* That on information being given by any Person whatsoever to the Overseers of the said Roads or Highways of any of the said Nuisances or Obstructions, he shall immediately proceed to the removing thereof, and shall also use his best Endeavors to discover the Person or Persons who committed the same, who upon Discovery shall not only be liable to the Penalties hereinbefore appointed according to the Nature of the Offense, but also to the Costs of removing them, and a reasonable Allowance to the said Overseer for his Time and Trouble therein to be recovered by him in a Summary Way with Costs of Suit before any Justice of the Peace within the said City, and every such Overseer neglecting or refusing to do his Duty according to the true Intent and Meaning of this Act, shall for every such Neglect or Refusal Forfeit the Sum of five Pounds to be recovered paid and applied as aforesaid. And in Order as far as possible to prevent the Evasion of the good Purposes intended by this Act.

Overseers to remove nuisances or obstructions in roads, and discover offenders.

Penalty for neglect of duty by overseers.

*Be it further Enacted by the Authority aforesaid,* That the Owner of any Dead Horse or other Nuisance left on any of the said Roads or Highways shall be deemed to have put or left the same thereon unless he proves the contrary.

Proviso as to leaving nuisances in roads.

*And be it further Enacted by the Authority aforesaid,* That the first Process to be issued against any Offender or Offenders against this Act shall be by Warrant and not otherwise, and the Execution on every such Process shall be against the Goods and Chattels of the Offender or Offenders, and for want of such Goods and Chattels against his her or their Bodies, and shall be contained in one and the same Precept and not otherwise, any Law Usage or Custom to the contrary thereof in any wise notwithstanding.

Process against persons offending against this act.

This Act to be in force from the passing thereof, until the first Day of March which will be in the Year of our Lord one thousand seven hundred and Seventy seven.

Act to continue to March 1, 1777.

## Chapter XXIV.

AN ACT to revive an Act entitled "An Act for the better regulation of the Election of Officers in the City of New York, chosen by virtue of the Charters granted to the said City, and other Purposes therein mentioned."

PASSED the 9th of March 1774.

*Be it Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That the Act entitled "An Act for the better Regulation of the Election of Officers in the City of New York chosen by virtue of the Charters granted to the said City, and other Purposes therein mentioned," passed in the eleventh Year of his present Majesty's Reign, shall be and hereby is revived, and every Clause Matter and Thing therein contained enacted to be and to continue in force from the passing hereof, until the first Day of February which will be in the Year of our Lord one thousand seven hundred and eighty.

Act of 11th, George III. revived.

To continue in force to Feb. 1, 1780.

## Chapter XXV.

## AN ACT to lay a Tax on Dogs in the Cities of New York and Albany, and Counties of Queens and Suffolk.

PASSED the 9th of March 1774.

*Be it Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That it shall and may be lawful for the Persons appointed to collect the Poor Tax in each Ward in the Cities of New York and Albany, and in each respective Town Manor Precinct or District within the Counties of Queens and Suffolk, once in every Year after the first Day of May next, during the continuance of this Act, and not oftner, to demand and receive of and from all Persons within their several Districts having the Property in, or keeping any Dog or Dogs of what kind or size soever of six Months old and upwards the Sum of one Shilling for each Dog, and if there should be more than one Dog kept by any one Person or Family then he she or they shall pay the Sum of two Shillings for the second Dog, and the Sum of four Shillings for every Dog above the Number of two kept as aforesaid.*

*And be it further Enacted by the Authority aforesaid, That if any Person or Persons having Property in, or keeping any Dog or Dogs of what size or kind soever as aforesaid, shall neglect or refuse to pay unto the Collector or Collectors of their several and respective Districts, the Sum or Sums as above fixed, when thereunto required; it shall and may be lawful for the Collectors of the respective Districts within the Cities and Counties aforesaid, them and each of them in their respective Districts to levy the same by Distress and Sale of the Offenders Goods returning the Overplus if any be, and for Want thereof, to commence and prosecute his or their Action or Actions against any Delinquent or Delinquents within their respective Districts for the recovery of the same with Costs of Suit before any one Justice of the Peace for the Cities or Counties aforesaid and if any Person or Persons shall deny that he she or they have Property in, or keep any Dog, yet if it can be proved that such Person or Persons are in possession of, or suffer the same to remain in or about his or her House, thirty Days before the Demand made by the Collector, he she or they shall be deemed to be the Owner or Owners of such Dog or Dogs, and liable to the Payment of the aforesaid Tax, to be recovered as above, and if any Dog or Dogs shall keep about any Person's House twenty Days, and no Person appearing within that time to claim the same, it shall and may be lawful for such Person having such Dog or Dogs about his or her House as aforesaid, to kill him or them at any Time after the said twenty days.*

*And be it Enacted by the Authority aforesaid, That the Collector or Collectors of each respective District within the Cities and Counties aforesaid, shall each keep a Book and therein enter the Names of every Person in their several and respective Districts keeping Dog or Dogs, and the Number, with the Tax or Sums Collected by virtue of this Act and the same shall pay into the Hands of the Church Wardens or Overseers of the Poor of the several and respective Districts within the Counties of Queens and Suffolk, to be by them applied for the Use of their Poor respectively: And the Money arising from the Tax in the City and County of New York shall be paid into the hands of*

Tax on dogs authorized in certain counties.

Rate of taxation.

Collection of tax, how enforced.

By distress and sale of goods.

By action at law.

Unclaimed dogs, when to be killed.

Registry of ownership of dogs.

Dog tax collected, how applied in Queens and Suffolk.

In New York city.



the Chamberlain of the said City, to be applied by the Mayor Aldermen and Commonalty of the said City as a Bounty for Tiles to be made in this Colony, and sold in the City of New York in such Manner, and under such Regulations as they shall think necessary: And the Money arising from the Tax in the City of Albany shall be paid to the Chamberlain of the said City to be applied by the Mayor Aldermen and Commonalty for and towards keeping in repair the Public Roads within the said City: each Collector retaining in his Hands one Shilling in the Pound for collecting and paying the same.

In Albany.

Collector's fees.

And be it Enacted by the Authority aforesaid, That if any of the Collectors, Church Wardens, Constables or Overseers of the Poor within either of the Cities or Counties aforesaid shall neglect or refuse to do what is enjoined them by this Act, shall respectively forfeit the Sum of five Pounds to be recovered by Action of Debt, before any one of his Majesty's Justices of the Peace of the City or County where the Offence is committed, with Costs of Suit by any Person or Persons who will prosecute the same to Effect, one Half to the Prosecutor and the other Half to the Use of the Poor as aforesaid.

Penalty for neglect of duty by certain officials.

Recovery, how applied.

And be it further Enacted by the same Authority, That all Manors and Patentships in the Counties of Queens and Suffolk, that are not legally empowered to choose Town Officers, are hereby empowered and required to meet together annually at the most convenient Place of the Manors or Patentships on the last Tuesday in April, and then and there by a majority of Voices to choose one Collector and two Overseers of the Poor who shall be vested with the same Power and Authority, and be liable to the same Penalties as other Collectors and Overseers of the Poor are subject and liable to in the said Counties respectively.

Collectors and overseers of poor, choice of, in certain manors of Queens and Suffolk.

This Act to be in force from the twelfth Day of April next, until the first Day of May which will be in the Year of our Lord one thousand seven hundred and seventy-seven.

Act to continue in force to May 1, 1777.

## Chapter XXVI.

AN ACT to amend an Act entitled, "An Act for the better laying out, regulating and keeping in repair the Public Roads and Highways in the City and County of Albany, and County of Tryon."

PASSED the 9th of March 1774

WHEREAS in and by the second Section of the said Act it is enacted, That where Public Roads are laid through cleared or improved Land, the Value of such Land shall be paid to the Owner by the Commissioners who are thereby required to pay the same, together with the Charges of the Proceedings thereon; but no Mode of levying the said Money being prescribed by the said Act; and no Provision made thereby for enabling the Commissioners to defray such Expence.

Preamble, as to laying public roads through improved lands.

Be it therefore Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That in such Cases as aforesaid where Public Roads shall be laid through improved or cleared Land, as soon as the Value thereof and the Charges of such Proceedings, as in the said Act are directed shall be ascertained, it shall be lawful for the Commissioners of the District

Super-visors to assess and levy charges therefor.

or Districts, in which such Roads shall be so laid out as aforesaid, to transmit to the Supervisor or Supervisors of the District an Account of such Value and Charges, and the Supervisor or Supervisors shall thereupon allow, and cause the same to be rated assessed and levied as a Public contingent District Charge.

Persons  
liable to  
work on  
highways.  
Exemp-  
tions.

And in order the more clearly to ascertain what Persons shall be compellable to work on the Highways. *Be it further Enacted by the Authority aforesaid,* That every Freeholder Houskeeper and other Person exercising any Trade or Business for themselves and on their own Accounts within the said Counties of Albany and Tryon shall be liable to work on the Public Roads and Highways; and that no Person living with and working for their Master or Parents, and not exercising any Trade or Business for themselves or upon their own Accounts, shall be compellable to work upon the same, any Thing herein or in the said Act contained to the Contrary thereof in any wise notwithstanding.

And Whereas during the Continuance of the Act entitled "An Act for the better laying out regulating clearing and keeping in repair the Public Roads and Highways in the Counties of Albany and Tryon," passed the twenty fourth Day of March one thousand seven hundred and seventy two; sundry Expences and Charges were incurred in the Execution thereof; and the said Act being afterwards repealed before the same were levied or paid.

Charges  
incurred  
in execu-  
tion of act  
of 1772,  
how  
raised.

*Be it further Enacted by the same Authority,* That the Accounts of all such Expences and Charges shall be transmitted by the Commissioners of the respective Districts, to the Supervisors of the said Counties respectively, who shall allow the same as a Public County Charge, in the same Manner as is above directed with respect to the Payment of the Charges of laying out Public Roads through improved Lands.

## Chapter XXVII.

AN ACT to settle a Line of Jurisdiction between the Counties of Ulster and Albany.

PASSED the 9th of March 1774.

Preamble. WHEREAS by a Law of this Colony passed on the first Day of October in the year of our Lord one thousand six hundred and ninety one, the County of Ulster is to contain the Towns of Kingston, Hurley, Marble Town, Fox Hall and the New Paltz, and all Villages, Neighbourhoods and Christian Habitations on the West Side of Hudson's River, from the Murderer's Creek near the Highlands to the Sawyer's Creek; and the County of Albany to contain the Manor of Renselaerwyck, Schenectady and all the Villages, Neighbourhoods and Christian Plantations on the East Side of Hudsons River from Roelof Jansen's Creek, and on the West Side from Sawyer's Creek to the utmost End of Saraghtoga.

And Whereas Doubts have arisen concerning the Division Line between the said Counties of Ulster and Albany, more especially as the Christian Plantations on the West Side of Hudson's River at the Time of passing the said Act extended no farther to the Westward than the Westerly Bounds of the Township of Schenectady; and since

an uncertainty of Jurisdiction is productive of Discord and Violence, involving the Inhabitants of the contested Districts in all the numberless and complicated Miseries of a Lawless State,

*Be it therefore Enacted by his Excellency the Governor, the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That a direct Line running from the most Northerly End of Part of Wanton Island in Hudson's River to the Head of Kaater's Creek or Kill where the same issues out of the Southerly Side or End of a certain Lake or Pond lying in the blue Mountains, from thence a direct Line to the Lake Utsayantho being the South Eastermost Bounds of the County of Tryon, from thence along the Easterly Bounds of the said County of Tryon, to the Western Limits of this Colony, shall and are hereby declared to be from henceforth the Lines of Jurisdiction between the said Counties of Albany Ulster and Tryon. Line of jurisdiction, between Albany, Ulster and Tryon counties.

*And Whereas* many Disputes have arisen or may hereafter arise between different Persons claiming under Grants of this Colony, in which Controversy the Northern Bounds of said County of Ulster, as formerly declared by Act or Acts of the Legislature heretofore passed, may in a great Measure be Evidence, in fixing the Property conveyed by the said Grants.

*Be it therefore further Enacted by the Authority aforesaid,* That the Lines of Jurisdiction abovementioned nor any Thing in this Act contained shall be construed deemed or adjudged to extend, benefit or establish the Claims or Possessions of any Patentees, their or either of their Heirs Successors or Assigns in any Patent or Grant of Land lying within either of the said Counties of Ulster and Albany, or to defeat or prejudice, or in any Manner to alter or affect the same, it being the Intention of the Legislature that the private Claims of all Parties concerned, and the Bounds of all Patents and lands in the said Counties shall remain (for any Thing in this Act contained to the contrary) in the same State and Condition with respect to all Disputes Suits and Controversies, that now, or may hereafter subsist, as if this act had never been passed. Line, herein established, not to affect claims under patents or grants.

*And be it further Enacted by the Authority aforesaid,* That the Inhabitants to the Southward of the Northern Limits prescribed for the said County of Ulster, and to the Eastward of Sawyer's Creek, shall be liable to be taxed and do all Public Duties as within the Town of Kingston, and intitled to give their Votes at the annual Elections of said Town, for such Town Officers as are made elligible in and for the said Town by virtue of any Law of this Colony. Town of Kingston, certain inhabitants of Ulster county, to be taxed in, etc.

*And forasmuch* as there have been, now are, and hereafter may be Suits at Law, which may in some degree depend upon, or may be affected by, or connected with the Question, what the Northern Limits of the said County of Ulster were before the passing of this Act, but such suits can only relate to Lands situate West of the Sawyer's Creek aforesaid, and East of the blue Mountains; And to the Intent that all such Suits may be fairly and impartially tried and determined.

*Be it further Enacted by the same Authority,* That whenever it shall appear probable to the Court in which Suits are or may be pending, that the same may in any Manner relate to the Lands situate as aforesaid, the Jury for the Trial of the same shall not come from the said Counties of Ulster or Albany, or either of them, but from such other County as the Court shall in their Discretion by special Rule order and direct, nor shall this Act or any Thing herein contained be offered as Evidence in favor of the Claim of any or either of the Par- Suits affecting northern limits of Ulster, jury upon trial of, how selected.

This act,  
how to ap-  
ply thereto

ties in any such Suit or Suits, directly or indirectly, but only to prove the Line of Jurisdiction between the said Counties now by this present Act established, and the Court where such Trial or Trials may be had shall so charge the Jury with the same any Law Usage or Custom to the contrary notwithstanding.

Line from  
Wanton  
Island to  
head of  
Kaaters  
Kill, to be  
run.

And be it further Enacted, That the Jurisdiction Line aforesaid from the North Part of Wanton Island, to the Head of Kaaters Kill shall be run out and marked in the Presence of two of the Justices of the Peace for the County of Albany, and two Justices of the Peace for the County of Ulster residing near the said line, by such Person as they or any three of them shall appoint within six Months after the passing hereof, and the Expence thereof shall be defrayed equally by the said Counties, to be raised of and from the Freeholders and Inhabitants of the said Counties respectively, in the same Manner as the other contingent Charges of the said Counties are, and paid to the said Justices for the Purposes aforesaid, and the said Justices are hereby authorized and required to cause the said Line to be run out and marked accordingly.

Expence  
thereof,  
how de-  
frayed.

## Chapter XXVIII.

### AN ADDITIONAL ACT for laying out and improving Public Roads in Ulster County.

PASSED the 9th of March 1774.

Preamble.

WHEREAS a Public Road to be made from the King's Highway leading from Kingston to Rochester near a Place called Hunk, and to proceed thence to and through a Neighbourhood called Lagawack is necessary for the convenience of the Inhabitation, and will open a farther communication with the more interior Parts of the Country,

Comma-  
ssioners for  
Rochester,  
Ulster Co.,  
to lay out  
road.

Be it therefore Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That Jacob Hornbeek and Andries DeWitt Esquires, Benjamin Hornbeek, Cornelius Hardenbergh and Ephraim Depue the Commissioners for the Township of Rochester or any three of them shall and may be Commissioners to lay out, and are hereby authorized and required to lay out and regulate a Road from the Rochester Road near the said Place called Hunk, to and through the said Place called Lagawack, and as far into the interior Parts of the Country as they shall think necessary as near to the old Path there used by the Inhabitants as conveniently may be, which road shall be worked upon and improved by the Inhabitants living near the same in like Manner as the other Roads in the said County of Ulster are worked and improved.

And Whereas by the Laws now in force relating to Roads in the said County of Ulster the Overseers of the Highways have a discretionary Power to warn and call out the Inhabitants thereby compellable to work upon the Highways any Number of Days that they shall think necessary not exceeding six Days in each Year by which Means it is often the Case that a sufficient Portion of Labour is not bestowed on the Highways to keep them in good Repair.

Be it therefore Enacted by the Authority aforesaid That for the future the several Overseers of the Highways in the respective Districts within the said County shall annually call out the Inhabitants put

under their superintendence respectively to work upon the Highways within their respective Districts at least six Days in every Year four of which Days shall be between the first Day of April and the first Day of August, any Thing in the said Act or either of them to the contrary thereof in any wise notwithstanding.

*And be it Enacted by the Authority aforesaid,* That an Act entitled "An Act for the better clearing mending and further laying out Public High Roads & others in the County of Ulster," passed in the sixth Year of his present Majesty's Reign, and also another Act entitled "An Act to amend an Act entitled An Act for the better clearing mending and further laying out Public High Roads and others in the County of Ulster" passed in the thirteenth Year of his Majesty's Reign, and also this Act, shall be in force until the first Day of March one thousand seven hundred and seventy six and all Proceedings had or to be had thereon shall be good and valid notwithstanding any misrecital of the Date or Time of passing of the first abovementioned act.

Overseers of highways, to call out inhabitants to work roads.

Certain acts of 6th and 13th George 3d. and this act, to be in force to March 1, 1776.

Proceedings confirmed.

## Chapter XXIX.

AN ACT to prevent Damages by Swine in the Township of Marbletown in the County of Ulster.

PASSED the 9th of March 1774

*Be it Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That from and after the passing of this Act, it shall and may be lawful for the Freeholders of the said Township of Marbletown, or the major Part of them, at their Annual Meetings for the Election of Town Officers, to make such prudential Rules Orders and Regulations, either for restraining Swine from running at large, or for compelling the Owner or Owners of such Swine as shall hereafter commit any Damage, to make satisfaction for such Damage to the Person or Persons who shall sustain the same, or otherwise, as by them shall be thought most convenient; all which Rules, Orders and Regulations so to be made as aforesaid, the Clerk of the said Township for the Time being, shall from Time to Time enter in the Town Books, and shall make out and deliver a true Copy thereof certified under his Hand, to the Clerk of the Peace of the said County, to be by him filed in his Office.

Running at large of swine, regulation of, by action of town meeting.

Satisfaction for damages.

Entry of regulations, in records of town clerk.

*And be it Enacted by the Authority aforesaid,* That this Act shall continue and be in force until the first Day of February, which will be in the Year of our Lord, one thousand seven hundred and eighty.

Act to continue in force to Feb. 1, 1780.

## Chapter XXX.

AN ACT to raise the Sum of four hundred Pounds to finish the Court House and Goal in Goshen in the County of Orange.

PASSED the 9th of March 1774.

WHEREAS by virtue of an Act entitled "An Act to raise one thousand Pounds in the Precincts of Goshen and Cornwall in the County of Orange to build a Court House in the Town of Goshen, and for other

Preamble.

Purposes therein mentioned" the Sum of one thousand Pounds has been raised, which being found insufficient for the Purpose intended thereby,

Super-  
visors to  
raise £400  
on Goshen  
and Corn-  
wall.

*Be it therefore Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That for finishing the said Court House and Goal the Supervisors of the said County for the Time being shall, and they are hereby directed & required to, order to be levied on the Freeholders and Inhabitants of the Precincts of Goshen and Cornwall a sum not exceeding four hundred Pounds with the additional Sum of three Pence for every Pound for collecting the same; which said Sum shall be raised with the first Tax that shall be levied after the passing of this Act, and shall be levied and collected in the same Manner as the other necessary and contingent Charges of the said County are.

Monies  
raised, to  
be paid to  
building  
trustees.

*And be it further Enacted by the Authority aforesaid,* That the Monies so to be raised by virtue of this Act, shall from Time to Time be paid by the several and respective Collectors of the said Precincts of Goshen and Cornwall unto Daniel Everitt, Benjamin Tusteen, Jesse Woodhull, Elihu Mervin, and Benjamin Gale; who are appointed Trustees for building the said Court House, for the Purposes aforesaid and the said Trustees or any three of them shall and may from Time to Time inspect examine and audit all the several and respective Accounts, for Workmanship and Materials to be employed for and towards finishing the Court House and Goal before mentioned, and of the due Disposition of the said four hundred Pounds or so much thereof as shall come into their hands, they shall render a true Account upon Oath, unto the Justices of the said Precincts at the General Sessions of the Peace at Goshen, and the said Justices at the same General Sessions, shall allow unto each of the said Trustees such Sum per Day as they shall think reasonable for their Services.

Trustees  
to audit  
accounts  
for work  
and  
materials.  
To ac-  
count for  
disposi-  
tion of  
monies.

## Chapter XXXI.

AN ACT to confine Rams at certain Seasons of the Year in the Counties of Ulster Orange and Dutchess.

PASSED the 9th of March 1774.

**Preamble.** WHEREAS the Yeanning of Ewes in the severity of a Winter Season, frequently occasions the Loss of the Yeanlings,

Rams to  
be kept  
within in-  
closure,  
during  
certain  
period.

*Be it therefore Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That every Person in either of the Counties of Ulster Orange or Dutchess owning or keeping a Ram shall between the first Day of July, and the tenth Day of November in every Year keep the same within his or her own Inclosure, and if any Ram shall between the said first Day of July and the tenth Day of November after the passing of this Act be found on any Common or uninclosed Lands, or on the inclosed Lands of any Person other than the Owner of such Ram, it shall and may be lawful to and for the Owner or Possessor of such inclosed Lands where such Ram may be so found, or for any other Person or Persons (where such Ram may be found on any common or uninclosed Lands) to take up, impound, or detain such Ram, and i

If found  
on unin-  
closed  
land, may  
be im-  
pounded.

the Owner or Owners of such Ram so taken up do not within twenty Days after Notice given to him or her personally, or to some or one of his Family of suitable Age, or by Advertisement fixed up in two Public Places in the Neighbourhood where such Ram may be so taken up describing his Marks and Colour, and a Copy of such Advertisement being delivered to the Clerk of the Town or Precinct wherein the same shall happen, which he is hereby directed to file and preserve; pay or cause to be paid unto the Person so taking up such Ram, the Sum of eight Shillings, such Ram shall become the Property of the Person or Person so taking up the same, and he or they may lawfully dispose of the said Ram to and for his her or their own proper use and Benefit; and in Case the Original Owner or Owners of such Ram shall sue for the same, the Person or Persons having taken up such Ram, may plead the General Issue, and give this Act in Evidence on the Trial, and recover treble Costs.

Owner on notice, to pay eight shillings, or forfeit animal.

## Chapter XXXII.

AN ACT for the more easy collecting his Majesty's Quit Rents in the Oblong Patent in the Counties of Dutchess and West Chester, and for dividing the same into three Districts.

PASSED the 9th of March 1774.

WHEREAS the Oblong Patent in the Counties of Dutchess and West Chester is near seventy Miles in length and divided into a great Number of Farms, and but one Collector therein at present, whose Duty is not only extremely difficult and burthensome; but he\* altogether incapable of discharging the same in the Manner the Law directs; for Remedy whereof,

*Be it Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the Same,* That the said Oblong Patent in the Counties of Dutchess and West Chester, shall be and hereby is divided into three Districts in the following Manner, to wit, The first and South Division to extend so far North till it comes to the hove out Lands, South of Jois Hills, and shall be called the Lower District; The second and middle Division to begin at the hove out lands south of Jois Hills, and go so far North till it comes to the hove out Lands, North of ten Mile River, and shall be called the Middle District; And the third and last Division to begin at the hove-out Lands North of ten Mile River, and extend to the upper End of said Patent, and shall be called the Upper District.

*And be it further Enacted by the Authority aforesaid,* That the Freeholders of each of the aforesaid three Districts called, the Lower District; the Middle District, and the Upper District shall have full Power and Authority to assemble and hold annual Meetings within their respective Districts, and then and there by plurality of Voices to elect and choose two Assessors and one Collector.

*And be it further Enacted,* That the Freeholders of the lower District aforesaid, shall hold their first annual Meeting on the first Tuesday of May next, at the Upper MeetingHouse in Salem; That the Freeholders

Oblong Patent, divided into three districts.

Lower district.

Middle district.

Upper district.

Freeholders to elect assessors and collector, at annual meetings.

Meeting place, in Lower district.

\*So in the original.

In Middle district.

In Upper district.

of the Middle District aforesaid, shall hold their first annual Meeting on the said first Tuesday of May next, at the Quaker Meeting House on Quaker Hill; and that the Freeholders of the Upper District aforesaid shall hold their first annual Meeting on the said first Tuesday of May next at the now Dwelling House of Samuel Johnson, and that the before mentioned three Places for holding the first annual Meetings shall continue and be the Places for holding the annual Meetings in the aforesaid the Districts respectively.

Assessors to fix proportion of quit-rent to be paid by freeholders.

And be it further Enacted by the same Authority, that the Assessors chosen by Virtue of this Act, shall within six Months thereafter meet at the Quaker Meeting House on Quaker Hill in the Middle District; to rate and assess the several Owners and Freeholders of the said Patent, according to the Part share and Proportion of land each Owner and Freeholder shall have hold possess and enjoy within the same, in Manner as directed by a certain Act of the Lieutenant Governor, the Council, and the General Assembly of this Colony, passed the eighth day of January in the second Year of his present Majesty's Reign entitled, "An Act for the more effectual collecting of his Majesty's Quit Rents in the Colony of New York, and for Partition of Lands in Order thereto:" And the said Assessors when met in Manner aforesaid, shall by plurality of Voices choose and elect a Treasurer to whom the Collectors of the three Districts respectively shall pay the several Sums by them collected, as soon as conveniently may be and in Default thereof the said Treasurer is hereby authorized and empowered to sue and prosecute such Collector for the same in any Court of Record within this Colony; and the said Treasurer when the several Sums assessed by the Assessors shall be paid to him by the several Collectors respectively shall pay the same to the Receiver General or his Deputy and take his Receipt for the same, and shall within three Months after paying the same, produce and shew the Receipt thereof to the Assessors.

Also, to elect a treasurer.

Collectors, to pay sums collected, to treasurer.

Treasurer to pay over same to receiver-general.

Collection fees, etc., in addition to quit-rent.

Act to apply only to Oblong Patent.

And be it further Enacted by the Authority aforesaid, That the several Owners and Freeholders of the said Grant or Patent respectively shall be rated and assessed over and above the Amount of the whole Quit Rent annually due to his Majesty, one Shilling and six Pence in every Pound as a Reward to the Collectors for collecting the same, six Shillings per Day for each of the Assessors, and six Pence in the Pound to the Treasurer for what Monies he shall receive and pay away to the Receiver General. *Provided* that Nothing in this Act contained shall be construed to affect any other Lands than the Great Patent to Hawley and others commonly distinguished by the Name of the Oblong Patent.

## Chapter XXXIII.

AN ACT to amend an Act entitled "An Act for the better clearing regulating and further laying out public Highways in the County of West Chester."

PASSED the 9th of March 1774.

Preamble. WHEREAS by the LAWS now in force for laying out public Highways in West Chester County, the Commissioners or the major Part of them in the respective Places for which they are appointed Commissioners,



are authorized and impowered to lay out such public Roads through inclosed or improved Lands in the several Places for which they are appointed Commissioners; But no Provision is made how the Owner or Owners of such Land shall receive the Value thereof, and Damages thereby sustained,

*Be it therefore Enacted by his Excellency the Governor, the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That all Public Highways hereafter to be laid out through inclosed or improved Lands in any Town or Place in West Chester County, without the Consent of the Owner or Owners thereof if any Dispute shall arise by that Means, the true Value of the Lands so laid out into a public Highway shall be determined, and the true Value thereof, and the Damages sustained thereby set and appraised by two Justices of the Peace, and by the Oaths of twelve Freeholders of one of the neighbouring Towns or Places to be summoned by one of the Constables of the said County, by virtue of a Warrant to be issued by the said two Justices of the Peace for that Purpose, and the Freeholders and Inhabitants of the Town or Place where such Public Highway shall be laid out, shall defray and pay the whole charges of the Value of the Land and Damages aforesaid to the Person or Persons through whose Land such Highway shall be laid out together with the Wages of the Commissioners, and the Charges of the whole Proceedings thereon had to be raised and paid in the same Manner as the Wages of the Supervisors of said County are or ought to be by virtue of an Act entitled "An Act to increase the Number of Supervisors in the County of West Chester and that no Wages of the Supervisors shall be any Part of the said County Rate for the future," passed the first Day of November in the Year of our Lord one thousand seven hundred and twenty two, any Law Usage or Custom to the contrary notwithstanding.

Land damages, upon laying out of roads, to be ascertained by a jury.

Awards of damages and charges, how paid.

*And be it further Enacted by the Authority aforesaid,* That instead of the Number of Days which by the aforesaid Act, the Inhabitants were respectively compellable to work on the Highways, it shall and may be lawful for the respective Commissioners or Overseers of the Highways for the Time being to encrease the Number of Days as to them from Time to Time shall be found necessary, so that no Person be obliged to work more than twelve Days in one Year; any Law Usage or Custom to the Contrary notwithstanding.

Number of days high-way labor, may be increased, to not more than twelve.

## Chapter XXXIV.

AN ACT to repeal an Act entitled "An Act for the better regulating and keeping in Repair the Public Roads in the Borough and Town of West Chester, and to levy Money to defray the Expence thereof."

PASSED the 9th of March 1774

INASMUCH as the Act entitled "An Act for the better regulating and keeping in Repair the Public Roads in the Borough and Town of West Chester, and to levy Money to defray the Expence thereof," passed the eighth Day of March in the thirteenth Year of his present Majesty's Reign, is by Experience found not to answer the salutary

Purposes for which it was intended; and the Laws now in force for regulating and keeping in repair the Public Roads in the County of West Chester which also extend to the said Borough are found to be effectual.

*Be it therefore Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That the said Act entitled "An act for the better regulating and keeping in repair the Public Roads in the Borough and Town of West Chester, and to levy Money to defray the Expence thereof," and every Clause Article and Thing therein contained shall be, and is hereby repealed and made void to all Intents Constructions and Purposes whatsoever.*

Act of  
March 8,  
1774 re-  
pealed.

## Chapter XXXV.

AN ACT to declare Harrison's Purchase a Precinct independent and distinct from Rye.

PASSED the 9th of March 1774.

**Preamble.** WHEREAS it has been usual heretofore for the Freeholders and Inhabitants of Harrison's Purchase in the County of West Chester to join with the Freeholders and Inhabitants of the Township of Rye in electing Town Officers; and the said Tract of Land being extensive, it is found to be very inconvenient, for Remedy whereof,

*Be it Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That the said Tract of Land called Harrison's Purchase, shall after the passing hereof be a Precinct independent and distinct from Rye, and shall be called Harrison's Precinct; in which there shall be annually chosen one Clerk, one Supervisor, two Assessors, one Collector, one Constable, two Fence Viewers, one Pound Master, and two Overseers of the Highways, or as many more Overseers of the Highways as the Majority of the Inhabitants at their annual Meetings for the Election of Officers shall think fit; which Officers so elected as aforesaid, shall each and every of them respectively have the same Powers and Authority, as any of the like Officers have in any of the Towns or Manors of the said County, and shall be liable to the same Pains and Penalties, any thing in this, or any other Act to the contrary hereof notwithstanding.*

Harrison's  
Purchase,  
declared a  
Precinct.

Officers to  
be chosen  
therein.

Their  
powers  
and li-  
abilities.

Time and  
place of  
holding  
annual  
election.

This act,  
not to af-  
fect act for  
mainte-  
nance of a  
ministry.

*And be it further Enacted by the Authority aforesaid, That the Inhabitants of the said Precinct shall annually meet on the first Tuesday in April for the Election of Officers for the said Precinct, at the present SchoolHouse, near the Dwelling House of Josiah Fowler.*

*Provided always, and be it also enacted by the same Authority, That Nothing in this Act contained shall be construed deemed or adjudged to abridge the Powers and Authorities of the Several Officers appointed, or to be appointed for raising the Sums of Money leviable for the Maintenance of a Ministry in the said County of West Chester pursuant to any former Law or Laws of this Colony, or for repealing or altering the said Laws or either of them, so far as the same respects the Settling or raising a Maintenance for a Ministry in the County aforesaid.*

## Chapter XXXVI.

AN ACT to amend an Act entitled "An Act for laying out regulating and keeping in repair common and public Highways in the County of Cumberland," and to facilitate the raising the County Charges in the said County.

PASSED the 9th of March, 1774.

WHEREAS in and by the said Act abovementioned it is amongst other Things enacted, "That if any Disputes shall arise with respect to the most convenient Place of making a Road, or the joining of Roads from Town to Town, that then it shall be in the Power of the Commissioners or the major Part of them in such Town or Towns to call in three Commissioners one from each neighbouring Town who shall determine where the said Road shall be, as they or the major Part of them shall think to be most convenient, as well for Travellers as for the Inhabitants of every such Town and the next adjacent towns," which Mode so prescribed hath not been found to answer the good Ends thereby proposed, more especially as sufficient Powers are not therein given for carrying the Matters thereby enacted into execution, for remedy whereof.

*Be it Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same,* That if any Disputes have already arisen or shall hereafter arise with respect to the most convenient Place of making a Road or the joining of Roads from Town to Town, or District to District, or upon the Complaint of three or more Freeholders or Inhabitants of the said County of the Inconvenience of any public Road or Roads, now or hereafter to be laid out through the same, to the Court of General Sessions of the Peace for the same County, in all Cases of such Disputes or Complaint as beforementioned, it shall and may be lawful to and for the said Court of General Sessions of the Peace, and they are hereby directed and required if they see just Cause to appoint Commissioners for the Purposes aforesaid, which Commissioners so appointed are hereby authorized required and commanded to go to the Place or Places about which such Controversy arose, or Complaint shall have been made, and to determine and fix where such Roads respectively shall be laid out and made, or where any such Road or Roads from Town to Town or District to District shall join, and to certify the same to the said Court at their next Meeting, which being approved of by the said Court shall be recorded by the Clerk of the Township or District through which such Road or Roads shall be so laid out, and shall be the Public Road or Highway through the Place or Places where the same shall have been so laid out by the Commissioners appointed by the said Court, which said Commissioners shall be paid in equal Proportions by the several Townships or Districts in which they shall perform the Services required by this Act, the like Sums, and to be levied in the same Manner as the Sums allowed to the Commissioners of the several Townships and Districts in the said County; And that when the said Commissioners or the major Part of them shall have determined where the said Road shall be, or where the said Roads from Town to Town, or District to District shall join, That the Surveyor and Overseer or Surveyors and Overseers of the respective Town or Towns District

Preamble.

Commissioners to be appointed, to locate roads, in case of dispute.

Duties of such commissioners.

To certify location of road to court, for approval.

Commissioners, how paid.

Surveyors and overseers, to cause roads to be opened and worked.

Record of roads.

Inhabitants of Westminster, on Town street, to work three days thereon.

Penalty for neglect of duty, by overseer or surveyor.

Labourers and tradesmen not freeholders, to perform three days road labor.

Servants, etc., exempt from highway labor.

or Districts where such Road or Roads shall be determined or ordered to be laid out or be, shall proceed to warn the Inhabitants respectively, and set them to work, and cause the same to be laid out opened and made, and from Time to Time worked on and kept in repair in the same Manner as the other Roads in the said County are by Law ordered and directed to be done, and that all other Road or Roads to be hereafter laid out in the said County, shall be also recorded by the Clerk of each respective Township or District within the same through which such Road or Roads shall be laid out; and that no Road or Roads hereafter laid out, shall be deemed or taken as a public Road or Roads, except the same be so recorded as aforesaid.

*And be it further Enacted by the Authority aforesaid, That the Inhabitants being Freeholders of the Township of Westminster in the said County, and who live on the Town Street of the said Township, or who own Lands bounded thereon shall each of them work three Days in the present year in clearing opening and repairing the said Town Street to the Breadth of ten Rods, which Service the Surveyors of the said Township or any one or more of them shall warn the said Inhabitants to perform and shall see the same performed accordingly, and which said three Days shall be deducted from the Number of Days such Inhabitants are directed to work according to Law, and that any Overseer or Surveyor of Highways who shall refuse or neglect to do his Duty in any of the Matters aforesaid as by this Act is directed, shall forfeit for each such Neglect or Refusal the Sum of ten Pounds lawful Money of New York to be sued for recovered, levied and applied as herein after is directed.*

*And be it further Enacted by the Authority aforesaid, that every Inhabitant within any Township or District in the said County of Cumberland being a Labourer or Tradesman and no Freeholder or Housekeeper, shall be obliged to work only three days in each Year on the Highways at such Times as they shall be warned or summoned for that Purpose by the Surveyors or Overseers of the Highways or one of them in the Township or District where such Person or Persons shall stately reside, and that indented Servants who live with and labour for their Masters, and Young Men who live with and labour for their Parents not being Freeholders shall be exempted from the Burthen of working on the Roads on their own Accounts.*

*And Whereas some few of the Inhabitants of the said County of Cumberland have lately with great Labour and Expence, laid out and opened a Road from Connecticut River towards the City of Albany running Westward through the Townships and Tracts of Land called Brattleborough, New Marlborough, Whiting and Draper in the County of Cumberland, and the Townships or Tracts of Land called Readesborough, New Stamford and Pownal in the County of Albany, which Road if well made and kept in good Repair will be very beneficial to all the Inhabitants in those Townships and Tracts of Land, enable them to carry their Produce to Market and raise the Value of their Lands.*

*Be it therefore Enacted by the Authority aforesaid, That every Freeholder or Housekeeper dwelling and residing in any of the said Townships or Tracts of Land called Brattleborough, New Marlborough, Whiting, Draper, Readesborough, New Stamford, and Pownal shall by himself or by some able sufficient Person in his Room and stead work so long Time as the Commissioners herein after named or any two of them shall judge necessary not exceeding three Days in every Year on the said Road last mentioned where the same passes through*

Road from Connecticut river to Albany, freeholders, etc., in certain towns, to work upon

the Township or District in which such Freeholders or Housekeepers respectively dwell, and that the respective Overseers of Highways within the respective Towns and Districts above mentioned do warn and call out the Inhabitants hereby made liable to work on the said Road to perform the Work and Labour hereby enjoined, and that every Person refusing or neglecting his Duty in the Premises shall be liable to the like Forfeitures as other Persons in like Cases are made liable to by this Act, to be sued for, recovered, levied and applied as in such Cases respectively by this Act is declared and enacted.

Duty of overseers of highways.

Penalty for refusal to perform work.

And be it further Enacted by the Authority aforesaid, That the Work and Labour above directed to be done and performed on the Road leading from Brattleborough towards Albany, shall be done and performed on the same as it is now laid out, unless the same Road shall be altered by the Commissioners herein after named or any two of them.

Road Work, where performed.

And that Samuel Anderson of the County of Albany and John Houghton and Malachi Church of the Township of Brattleborough in Cumberland County are hereby appointed Commissioners from Time to Time to inspect and view the said Road, and to make such Alterations in the Place or Places where the same is or shall be run or made, as they or any two of them shall think best, and most advantageous for the general Interest and Benefit of all the Inhabitants, each of which said Commissioners shall be, and hereby are entitled to the Sum of eight Shillings for each Day he or they shall be actually employed in the Service aforesaid; the Number of Days to be ascertained by the Oath of the said Commissioners respectively and the Sum which shall be due and owing to them and each of them respectively shall be raised levied and collected in the same Manner as the contingent Charges in the said Counties of Albany and Cumberland are directed to be raised and levied.

Commissioners appointed to inspect road, etc.

Compensation of commissioners.

How levied and collected.

And to prevent Idleness and Negligence which too frequently prevail in the Discharge of the necessary Services on the Highways, Be it Enacted by the Authority aforesaid, That Eight Hours actual Labour and not less shall be computed and accepted for a Days Work and the Surveyors or Overseers of the Highways in each respective Township or District shall and are hereby respectively required to keep an Account according to the best of their Judgment of the Hours that each Person under their respective superintendence on whom the Duty of working on the Highways is enjoined, shall refuse or neglect to work of the Time required of him by this Act to work in each Day and for every such Hours Neglect or Refusal each such Person having been duly summoned shall forfeit the sum of one Shilling, to be levied by Distress and Sale of the Defaulters Goods and Chattels, which Distress and Sale shall be made by Warrant under the Hand and Seal of such Surveyor or Overseer of the Highways and directed to the nearest Constable, who is hereby required to execute the same and pay such Forfeiture to the Overseer who issued such Warrant.

Eight hours to be deemed a Days work.

Penalty for every hours neglect to work.

How collected.

And to facilitate the raising the County Charges in the said County of Cumberland, and more fully to carry into execution, the good Purposes intended by this Act, Be it Enacted by the Authority aforesaid, That in Case the Freeholders and Inhabitants of any Township or District in the said County shall neglect to elect and choose a Supervisor Assessors or Collectors or either of them at the Time or Times when the Same respectively ought to have been chosen in such Township or District; That the Justices of the Peace of the said County at their next Court of General Sessions of the Peace after such Neglect

General Sessions to appoint certain officers, if inhabitants neglect to elect same, etc.

shall have happened, or the major Part of them at such Court are hereby authorized impowered and required from Time to Time under their Hands and Seals to nominate and appoint a Supervisor Assessors and Collectors or either of them that shall have been omitted to be chosen or refuse to act, in the Room and stead of such so omitted to be chosen or refusing to act, who shall be Supervisor or Assessors or Collectors according to his or their Appointment to all Intents and Purposes, with the like Powers and subject to the same Rules Pains Forfeitures and Penalties as any Supervisor Assessor or Collector chosen and elected by virtue of any of the Laws of this Colony; and any Assessor elected by the Freeholders or Inhabitants of any Township or District in the said County or so appointed as aforesaid by the said Justices at any Court of General Sessions of the Peace who shall refuse or neglect to do the Duty of his Office, shall be subject to the Penalty of ten Pounds to be sued for levied and recovered in like Manner as the other Penalties and Forfeitures mentioned in this Act, and directed to be sued for and recovered, and to be applied by order of the Court of General Sessions of the Peace to make mend or repair the Highways in the said County in such Place and Manner as the said Court of General Sessions of the Peace shall order and direct.

Penalty  
for neglect  
of duty by  
assessors.

How re-  
covered  
and ap-  
plied.

Annual  
meeting of  
super-  
visors, to  
fix pro-  
portion of  
charges to  
be levied  
upon  
towns.

*And be it Enacted by the Authority aforesaid,* That the Supervisors of the said County of Cumberland shall meet annually at the County Town of the said County on the second Tuesday in June, and afterwards for that Year at such Time and Place as they or the major Part of them shall agree upon, and that the Supervisors so met at any one Meeting or a Majority of them shall and may proceed to fix the Proportion of the contingent Charges of the said County to be raised and levied in each Particular Township or District of the said County and to do all Matters and Things to be done by the Supervisors of the said County as fully and perfectly as if a Majority of all the Supervisors of the said County were present any Law, Usage or Custom to the contrary notwithstanding.

Suits by  
county  
treasurer,  
for re-  
covery of  
penalties,  
and de-  
fault by  
collectors.

*And be it Enacted by the Authority aforesaid,* That when and as often as any of the Penalties or Forfeitures of the Sum of ten Pounds each in this Act mentioned shall have accrued by reason of the Neglect or refusal of any Person or Persons to perform the Duty or Service on him or them thereby enjoined. And also, That when and as often as any Collector shall by the Space of ten Days retain any Monies raised and levied or to be raised and levied by Tax on the Inhabitants of any Township or District in the said County of Cumberland having been first requested to pay the same to the Treasurer of the said County by the Sherif of the said County or any one of his Deputies at the request of any Justice of the Peace in the said County, that each of the Sums so forfeited as aforesaid or any Sum or Sums of Money so obtained by such Collector or Collectors as aforesaid shall be sued for and recovered with Costs of Suit by Action of Debt Bill Plaintiff Information or otherwise in the Inferior Court of Common Pleas of the said County, and in the Name of the County Treasurer of the said County for the Time being, who is hereby required and authorized to prosecute for the same, such Forfeiture or Forfeitures to be applied in such Place, and in such Manner as the Court of General Sessions of the Peace of the said County shall direct for the better laying out clearing and repairing the Public Highways of the said County, and such Sum or Sums of Money retained by any Collector or Collectors as aforesaid when recovered, to be applied for the use or uses for which the same were laid as a

Recovery,  
how  
applied.

Tax or levied in the said County, and in any such Suit or Suits to be commenced by the Treasurer of the said County no Essoin Protection or Wager of Law, and no more than one Imparance shall be allowed. This Act to continue of force from the passing thereof until the first Day of March one thousand seven hundred and seventy seven.

Proviso.  
Act to remain in force to March 1. 1777.

## Chapter XXXVII.

AN ACT to amend an Act entitled "An Act to prevent Damages by Swine in the Manor of Livingston."

PASSED the 9th of March 1774.

WHEREAS the Act aforesaid, which was passed in the twenty sixth Year of the Reign of his late Majesty King George the second, and which is since continued to the twentieth Day of October in the Year of our Lord one thousand seven hundred and eighty, is found insufficient to answer the Purposes thereby intended,

*Be it therefore Enacted by his Excellency the Governor, the Council and the General Assembly and it is hereby enacted by the Authority of the same,* That all such Swine as by the said Act might have been impounded, which shall hereafter be found running at large unyoked and unringed may lawfully be killed: and if any Dispute shall arise concerning the same; it shall be finally settled and determined in the Manner prescribed by the said Act for settling the Damages sustained by the Trespasses therein mentioned.

Certain swine hereafter found running at large, unyoked, etc. may be killed.  
Disputes, how determined.

## Chapter XXXVIII.

AN ACT for the Payment of the Salaries of the several Officers of this Colony and other Purposes therein mentioned.

PASSED the 19th of March 1774.

*Be it Enacted by his Excellency the Governor the Council and the General Assembly and it is hereby enacted by the Authority of the same,* That the Treasurer of this Colony shall and hereby is directed and required to pay:

Treasurer of Colony directed to make payment:

Unto his Excellency William Tryon Esquire or the Commander in Chief for the Time being for Fire Wood and Candles for his Majesty's Fort George in the City of New York from the first Day of September one thousand seven hundred and seventy three to the first Day of September one thousand seven hundred and seventy four, after the Rate of four hundred Pounds per Annum.

To Governor William Tryon, for fire wood and candles.

Unto his said Excellency for purchasing Gun Powder for the use of Fort George and the Battery in the City of New York the sum of one hundred Pounds.

Ibid. For gun-powder for Fort George.

Unto his said Excellency for Monies paid by him to the Surveyors which have been employed on the Part of this Colony to run out and mark the Partition Line between this Colony and the Colony of Quebec as per account the Sum of three hundred and thirty one Pounds three Shillings and Nine Pence.

Ibid. For survey of line between New York and Quebec.

Ibid. Expenses in settling line between New York and Massachusetts.

Unto his said Excellency for his Expences and incidental Charges on a Journey to Hartford last Spring to meet his Excellency Governor Hutchinson in order to assent to and confirm the Agreement entered into by the Commissaries appointed by this Colony and the Province of the Massachusetts's Bay for settling the Line of Jurisdiction between the two Governments, the Sum of two hundred and fifteen Pounds sixteen Shillings and nine Pence three Farthings.

Ibid. Fort George repairs, etc.

Unto his said Excellency for Repairs in Fort George and for four additional Rooms Built at the Battery as per Account the Sum of seven hundred and five Pounds.

Daniel Horsemanden, chief justice.

Unto the Honorable Daniel Horsemanden Esquire as Chief Justice of the Supreme Court of this Colony, and for going the Circuits from the first day of September one thousand seven hundred and seventy three, to the first Day of September one thousand seven hundred and seventy four after the Rate of three hundred Pounds per Annum.

Robert R. Livingston, puisne justice.

Unto the Honorable Robert R. Livingston Esquire one of the Puisne Justices of the Supreme Court of this Colony, and for going the Circuits from and to the Time aforesaid, after the Rate of two hundred Pounds per Annum.

George D. Ludlow, puisne justice.

Unto the Honorable George D. Ludlow Esquire, one other Puisne Justice of the Supreme Court of this Colony, and for going the Circuits from and to the Time aforesaid after the Rate of two hundred Pounds per Annum.

Ibid. For loss of library.

Unto the said George D. Ludlow Esquire, as a Compensation in some Measure for the Loss of his Library lately consumed by Fire, the Sum of five hundred Pounds.

Thomas Jones, puisne justice.

Unto the Honorable Thomas Jones Esquire, the other Puisne Justice of the Supreme Court of this Colony, and for going the Circuits from the twenty ninth day of September one thousand seven hundred and seventy three, to the first Day of September, one thousand seven hundred and seventy four, after the Rate of two hundred Pounds per Annum.

Justices of supreme court, for attending circuits, etc., in certain counties, etc.

Unto such of the said Justices of the Supreme Court of this Colony as may attend the Circuit Courts in the Counties of Tryon, Charlotte, Cumberland and Gloucester, or either of them, the Sum of fifty Pounds to each Justice that shall so attend; And for the Attendance of such Justice or Justices on any special Commission of Oyer and Terminer and General Goal delivery in either of the said Counties other than such special Commission which may be held when the Circuit Courts in the said Counties are held, the further Sum of fifty Pounds to the Justice or Justices so attending; and for the Attendance of such Justice or Justices on such special Commission in the County of Albany the Sum of thirty Pounds; and for the other Counties in this Colony not already provided for, the Sum of twenty Pounds.

Richard Morris.

Unto Richard Morris Esquire for his services for the Year past in going the Circuits and for attending thereon for the Trial of Criminals the Sum of one hundred and fifty Pounds.

Secretary of Colony.

Unto the Secretary of this Colony for the Time being, for engrossing and enrolling the Acts of the General Assembly from the first Day of September one thousand seven hundred and seventy three to the first day of September one thousand seven hundred and seventy four, after the Rate of forty Pounds per Annum.

Clerk of Council.

Unto the Clerk of the Council for the Time being for his Services in that Station from and to the Time aforesaid after the Rate of thirty Pounds per Annum.



Unto the Doorkeeper of the Council for the Time being for his Door-keeper of Council.  
Services in that Station from and to the Time aforesaid after the Rate of thirty Pounds per Annum.

Unto Hugh Gaine for Services performed by him as public Printer Hugh Gaine, public printer.  
of this Colony (including the Sum of two hundred Pounds which he received from the said Treasurer pursuant to a Resolution of the General Assembly of the twentieth Day of March one thousand seven hundred and seventy two) as per Account amounting to three hundred and ninety four Pounds.

Unto Thomas Moore and John Griffiths as Gaugers of Liquor sub- Thomas Moore, John Griffiths, gaugers.  
ject to a Duty within this Colony, or to the Gaugers thereof for the Time being from and to the Time aforesaid after the Rate of thirty Pounds per Annum unto each of them.

Unto Thomas Hill and Josias Smith Land and Tide Waiters, or to Thomas Hill, Josias Smith, tide waiters, etc.  
the Land and Tide Waiters for the Time being from and to the Time aforesaid, after the Rate of fifty Pounds per Annum unto each of them.

All which aforesaid several Sums of Money shall be paid by the Treasurer on Warrants issued by his Excellency the Governor or the Commander in Chief for the Time being, by and with the Advice and Consent of His Majesty's Council of this Colony, and the Receipts of the several Persons endorsed on the said Warrants shall be to the Treasurer good Vouchers and Discharges for so much as shall be thereby acknowledged to be received. Receipts thereon, to be vouchers.

*And be it further Enacted by the Authority aforesaid, That the Treasurer shall and hereby is directed and required to pay the several Allowances following, to wit:* Treasurer to pay certain allowances.

Unto Abraham Lott Esquire Treasurer of this Colony, or to the Treasurer for the Time being for his Services in that Station from the first Day of September one thousand seven hundred and seventy three, to the first Day of September one thousand seven hundred and seventy four after the rate of two hundred Pounds per Annum. To Abraham Lott, Treasurer of Colony.

Unto the said Treasurer, or to the Treasurer for the Time being for the extraordinary Services which he is obliged to perform beyond the usual Duty of his Office, after the Rate of the further Sum of one hundred Pounds per Annum. Ibid. For extraordinary services.

Unto Edmund Burke Esquire Agent of this Colony in Great Britain, or to the Agent for the Time being from and to the Time aforesaid after the Rate of five hundred Pounds per Annum. Edmund Burke, agent of Colony.

Unto the said Edmund Burke Esquire for the Contingent Charges he has been at the further Sum of one hundred and forty Pounds: which said Sums shall be paid unto him the said Edmund Burke by an Order of the General Assembly of this Colony signed by the Speaker for the Time being and not otherwise. Ibid. For contingent charges.

Unto John Tabor Kempe Esquire for extraordinary Services performed by him as Attorney General of this Colony from and to the Time aforesaid after the Rate of one hundred and fifty Pounds per Annum. John Tabor Kempe, Attorney General

Unto Edmund Seaman Esquire as Clerk to the General Assembly for his Services in that Station from and to the Time aforesaid twenty Shillings per diem payable upon a Certificate from the General Assembly signed by the Speaker for the Number of Days he has or may serve the General Assembly. Edmund Seaman, clerk of General Assembly.

Unto the said Edmund Seaman for sundry Disbursements by him made for the use of the General Assembly the Sum of Forty six Pounds one Shilling and eight Pence. Ibid. For disbursements.

Gerard  
Bancker  
assistant  
clerk.

Unto Gerard Bancker as Assistant Clerk to the General Assembly for his Services in that Station, from and to the Time aforesaid twenty Shillings per Diem, payable upon a Certificate from the General Assembly signed by the Speaker for the Number of Days he has or may serve the General Assembly.

Ibid. As  
clerk to  
Commis-  
saries.

Unto the said Gerard Bancker for his Services as Clerk to the Commissaries appointed on the Part of this Colony to meet with the Commissaries of the Province of the Massachusetts Bay in order to settle a Line of Partition between the two Governments and Expences, the Sum of forty five Pounds eighteen Shillings and five Pence.

Gerard  
Bancker  
as sur-  
veyor.

Unto the said Gerard Bancker for his Services as Surveyor in running in Part the Line of Partition between this Colony and the Province of the Massachusetts Bay and Expences, the Sum of sixty nine Pounds three Shillings and five Pence.

Alex.  
Lamb,  
door-  
keeper of  
General  
Assembly.

Unto Alexander Lamb Door keeper of the General Assembly for his Services in that Station from the first Day of September one thousand seven hundred and seventy three to the first Day of September one thousand seven hundred and seventy four six Shillings per Diem, payable upon a Certificate from the General Assembly signed by the Speaker for the Number of Days he has or may serve the General Assembly.

Alex  
Lamb, for  
firewood,  
etc.

Unto the said Alexander Lamb for providing FireWood and sundry Necessaries for the use of his Majesty's Council and the General Assembly the Sum of sixty five Pounds.

Wm. Scott,  
serjeant  
at-arms.

Unto William Scott Serjeant at Arms for his Services in that Station from and to the Time aforesaid eight Shillings per Diem, payable upon a Certificate from the General Assembly signed by the Speaker for the Number of Days he has or may serve the General Assembly.

John  
Martin,  
store-  
keeper.

Unto John Martin as Gunner and keeper of the Colony Stores, for his Services in that Station, from and to the Time aforesaid, after the Rate of twenty Pounds per Annum.

John  
Watts,  
Commis-  
sary Mass.  
boundary.

Unto the Honorable John Watts Esquire one of the Commissaries appointed on the Part of this Colony to meet with the Commissaries of the Massachusetts Bay in order to settle a Line of Partition between the two Governments, the Sum of fifty six Pounds thirteen Shillings and three Pence.

William  
Smith,  
Commis-  
sary.

Unto the Honorable William Smith Esquire one other of the Commissaries appointed on the Party of this Colony for the Purpose aforesaid and other Services the Sum of sixty seven Pounds fifteen Shillings and three Pence.

Robert R.  
Living-  
ston, Com-  
missary.

Unto the Honorable Robert R. Livingston Esquire one other of the Commissaries appointed on the Part of this Colony for the purpose aforesaid the Sum of fifty six Pounds thirteen Shillings and three Pence.

William  
Nicoll,  
Commis-  
sary.

Unto William Nicoll Esquire the other Commissary appointed on the Part of this Colony for the Purpose aforesaid the Sum of fifty six Pounds thirteen Shillings and three Pence.

Ibid.  
Marking  
Mass.  
boundary  
line.

Unto the said William Nicoll Esquire appointed to superintend the running out and marking the said Line of Partition, for his attending that Service and Expences, the Sum of one hundred and twenty five Pounds nine Shillings and ten Pence.

Robert  
Yates,  
surveyor.

Unto Robert Yates Surveyor, employed by the Commissaries above named for traversing Hudson's River, and running two Lines; the one from the North West Corner of the Province of the Massachusetts Bay to Hudson's River, the other from the North West Corner of the Oblong to the said River, including the Sum of fifty Pounds

voted for that Service at the last Session of the General Assembly, the Sum of ninety three Pounds four Shillings and six Pence.

Unto Mary Valentine, Relict and Executrix of Thomas Valentine <sup>Mary Valentine.</sup> Surveyor deceased, in full for his Services and Expences in running in Part the Partition Line between this Colony and the Colony of Quebec, the Sum of three hundred Pounds.

Unto Claude J. Sauthier Surveyor, for the Ballance of his Account <sup>Claude J. Sauthier, surveyor.</sup> of Days Wages and Expences in running and marking Part of the Line of Partition between this Colony and the Colony of Quebec the Sum of seventy seven Pounds four Shillings.

Unto John Collins of Quebec Surveyor, a Ballance due to him, as <sup>John Collins, surveyor.</sup> per his Account of Expences accrued in running the Quebec Line the Sum of seven Pounds thirteen Shillings and six Pence.

Unto Jacob Walton Esquire for Monies advanced by him for carting of Stone for flaging the Battery, the Sum of eight Pounds one Shilling.

Unto James Hallet for Wheel Barrows for the use of the Battery <sup>James Hallet.</sup> the Sum of Six Pounds.

Unto Anthony Van Dam for a Flag for his Majesty's Fort George, <sup>Anthony Van Dam, flag for Ft. George</sup> and Repairs, the Sum of thirty one Pounds sixteen Shillings and six Pence.

Unto John Zunicher and George Lindsay for Stone for flaging the Battery the Sum of eleven Pounds seventeen Shillings and nine Pence.

Unto William Winterton for his Account of Mason's Work done on the Battery the Sum of fourteen Pounds nineteen Shillings and nine Pence.

*And be it further Enacted by the Authority aforesaid,* That for answering the Expences of Contingencies and extraordinary Emergencies that have or may happen for the Services of this Colony, from the first Day of September one thousand seven hundred and seventy three to the first Day of September one thousand seven hundred and seventy four, Warrants may issue for the same on the Treasurer from Time to Time if drawn by his Excellency the Governor or Commander in Chief for the Time being, with the Advice and Consent of his Majesty's Council, which the Treasurer is hereby ordered and directed to pay, provided the Amount of the said Warrants does not exceed the Sum of one hundred Pounds during that Time.

All which aforesaid several Sums shall be paid by the Treasurer out of the Monies arisen or which may arise by virtue of the Act entitled, "An Act further to continue an Act entitled An Act for granting to his Majesty the several Duties and Impositions on Goods Wares and Merchandizes imported into this Colony therein mentioned." The Act entitled "An Act to regulate the Sale of Goods at Public Vendue Auction or Outcry within this Colony," and the Act entitled "An Act to revive an Act entitled An Act to restrain Hawkers and Pedlars within this Colony from selling without Licence with an Addition thereto." And the Treasurer is hereby directed to repay himself the Sum of thirty Pounds which he has paid to Robert McGinnis; out of the aforesaid several Acts.

*And be it further Enacted by the Authority aforesaid,* That the said Treasurer shall, and hereby is directed and required out of the Ballance due to the Colony on the Act entitled "An Act for emitting Bills of Credit to the Amount of one hundred and fifty thousand Pounds to enable his Majesty's General to pay the Debts contracted, and to carry on his Majesty's Service in North America, and for sinking the same in twelve Months," to pay to John Duncan Esquire as a

Contingencies and extraordinary emergencies, allowance for.

Warrants, how drawn therefor.

Funds, from which appropriations are payable.

Robert McGinnis, payment to, repaid to Treasurer.

John Duncan, payment to, for bills of credit lost.

Compensation for a Loss he sustained on Lake Ontario, of so much of the Bills of Credit of this Colony, emitted by virtue of the last recited Act, the Sum of sixty Pounds.

Hugh Gaine for printing certain devices.

And be it further Enacted by the Authority aforesaid, That the said Treasurer shall, and hereby is directed and required out of the Interest arising or that may arise by virtue of an Act of this Colony entitled "An Act for emitting the Sum of one hundred and twenty thousand Pounds in Bills of Credit to be put out on Loan, and to appropriate the Interest arising thereon to the Payment of the Debts of this Colony, and to such Public Exigencies as the Circumstances of this Colony may from Time to Time render necessary," to pay unto Hugh Gaine for printing the Devices intended to be pasted on the Backs of the Bills emitted in virtue of the aforesaid Act as per Account the Sum of two hundred and twelve Pounds.

Henry Dawkins, repayment to Treasurer, for payment to.

And the Treasurer is hereby directed to repay himself out of the last recited Act, the Sum of forty two Pounds, which he has paid to Henry Dawkins for engraving and cleaning seven Plates to print the Devices intended to be pasted on the Backs of the Bills emitted by virtue of said Act.

Treasurer, to account for payments under this act.

And be it Enacted by the Authority aforesaid That the Treasurer shall and hereby is directed and required to keep exact Books of the several Payments which he is directed to make by this Act, and shall render true and distinct Accounts thereof upon Oath, to his Excellency the Governor or Commander in Chief for the Time being, the Council or the General Assembly when by them or any of them he shall be thereunto required.

## Chapter XXXIX.

### AN ACT for the more effectual Registry of Mortgages and for securing the Purchasers of Mortgaged Estates.

PASSED the 19th of March 1774.

**Preamble.** WHEREAS an Act passed in this Colony on the twelfth day of December one thousand seven hundred and fifty three for registering Mortgages tends to prevent Fraud; But with Intention to elude the same, absolute Conveyances of real Estates are now made and conditional Defeazances given instead of Mortgages in common Form.

Certain deeds, intended as security, to be deemed mortgages.

Registry thereof.

Be it therefore Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby Enacted by the Authority of the same that every Deed conveying a real Estate made after the first day of June next which shall appear by any other Instrument or Writing to have been intended only as a Security in the Nature of a Mortgage tho' it be an absolute Conveyance in Terms shall be considered as a Mortgage and be deemed and adjudged to be liable to be registered as other Mortgages are by Virtue of the said Act. And that the Person or Persons for whose Benefit such Deed shall be made shall not have the Advantages given by the said Act to Mortgagees unless every Instrument and Writing operating as a Defeazance of the same or explanatory of its being designed to have the Effect only of a Mortgage or Conditional Deed be also therewith registered in Substance as in the Case of Mortgage.

And Whereas many real Estates are held under Sales made by Mortgagees who were authorized by the Mortgagor to make Conveyance of the same in Fee for the Payment of the Debt or Demand secured by the Mortgage and to return the Surplus of the Purchase Money to the Mortgagor, and as many Inconveniences may arise, if such Estates should be redeemable in Equity, vexatious Suits be promoted and *bona Fide* Purchasers ruined.

Be it therefore further Enacted by the same Authority that no good and *bona Fide* Sale of Lands Tenements or Hereditaments made or to be made by Mortgagees or others authorized thereunto by special Power for that Purpose in due form of Law from him or them who had the Equity of Redemption shall be defeated to the Prejudice of the *bona Fide* Purchaser thereof in Favor or for the Advantage of any Person or Persons claiming a Right of Redemption in Equity.

Provided always that Nothing in this Act contained shall be construed to prejudice any other Mortgagee of the same Lands Tenements and Hereditaments or any Part thereof whose Title accrued prior to such *bona Fide* Sale or any Creditor to whom the Mortgaged Premises or any part thereof was before bound by any Judgment at Law or Decree in Equity.

And to prevent fraudulent Advantages from being taken to the Prejudice of young and extravagant Persons.

Be it also Enacted by the same Authority that nothing in this Act contained shall operate for the Security of any Purchaser in Fee under a Power hereafter to be executed for that Purpose to the Mortgagee unless the Person giving such Power be of the Age of at least twenty-five years: And all Powers to Mortgagees now or hereafter to be made for making Sales in Fee shall be acknowledged or proved and recorded as other Deeds usually are before the Conveyances for the Sale be executed; and every such Sale shall be at public Auction or Vendue, of which said Auction or Vendue public Notice shall be given by Advertisements, one Copy thereof to be inserted for six Months previous thereto in one of the public News Papers in this Colony and the other to be fixed up on the outward Door of the Court House of that County where the Mortgaged Premises or the greater Part of them lay.

And be it further Enacted by the same Authority that every Mortgage hereafter to be executed shall have Priority and the Benefits thereof given by the Act abovementioned according to the Time of the actual Registry thereof And such Priority and the Benefits thereof shall extend to all future Mortgages of the same real Estates or Parts thereof whether made by the same or different Persons Except as to such Lands and Tenements which lay in the remote Counties of Albany, Tryon, Charlotte, Cumberland or Gloucester with Respect to which all Mortgages upon Lands and Tenements therein respectively contained whether of the same real Estates or Parts thereof or by the same or different Persons shall not have such Priority and the Benefits thereof from the Registry of such Mortgage but only from the Time of the actual Execution thereof if the same be registred within four Weeks after such Execution, and no Instrument or Writing in the Nature of a Mortgage of any kind whatsoever hereafter to be made or executed shall in any manner defeat prejudice or Affect the Title or Interest of any *bona Fide* Purchaser of Lands Tenements or Hereditaments unless the same shall have been duly registred according to this and the other Act of this Colony herein before mentioned any Thing in this and the above mentioned Act to the Contrary notwithstanding.

*Bona-fide sales under a mortgage, with power of sale, declared valid.*

Proviso.

Power of sale to mortgagee not valid, unless person making, be 25 years of age.

Such powers, how acknowledged and recorded. Sales how conducted and notified.

Mortgages to have priority, according to time of registry.

Exception as to certain counties.

Title to land of *bona fide* purchasers, not affected by unregistred mortgages

## Chapter XL.

### AN ACT for the Amendment of the Law for prevention of Frauds and Perjuries.

PASSED the 19th of March 1774.

**Preamble.** WHEREAS the Statute for the Prevention of Frauds and Perjuries hath been received by Usage as Law in this Colony, and amended by a subsequent Statute passed after the Establishment of a Legislature within this Colony.

Declarations of uses, etc., by party authorized to make same, deemed effectual.

*Be it therefore Enacted by the Governor, the Council, and the General Assembly, and it is hereby enacted by the Authority of the same, That all Declarations or Creations of Uses, Fines or Confidences of any Fines or common Recoveries of any Lands, Tenements or Hereditaments, manifested and proved or which hereafter shall be manifested and proved by any Deed already made or hereafter to be made by the Party who is by Law enabled to declare such Uses or Trusts after the levying or suffering of any such Fines or Recoveries are and shall be good and effectual in the Law.*

Witnesses allowed upon trials at law, may prove nuncupative wills.

*And be it also enacted by the same Authority that all such Witnesses as are and ought to be allowed to be good Witnesses upon Trials at Law by the Laws and Customs of England and of this Colony shall be deemed good Witnesses to prove any Nuncupative Will or any Thing relating thereto.*

## Chapter XLI.

### AN ACT for the Relief of Parishes and other Places from such Charges as may arise from Bastard Children born within the same.

PASSED the 19th of March 1774

**Preamble.** WHEREAS the Laws now in being are not sufficient to provide for the securing and indemnifying Parishes and other Places, from the Great Charges frequently arising from Children begotten and born out of lawful Matrimony, for Remedy thereof

Justices to cause arrest of persons charged with begetting bastard children.

*Be it Enacted by his Excellency the Governor, the Council and the General Assembly and it is hereby Enacted by the Authority of the same, That from and after the passing hereof, if any Single Woman shall be delivered of a Bastard Child, which shall be chargeable, or likely to become chargeable to any Parish or Place, or shall declare herself to be with Child, and that such Child is likely to be born a Bastard, and to be chargeable to any Parish or Place and shall in either of such Cases, in an Examination to be taken in Writing upon Oath before any one or more Justice or Justices of the Peace of any County, City, Borough or Place, wherein such Parish or Place shall lie, charge any Person with having gotten her with Child, it shall and may be lawful to and for such Justice or Justices upon Application made to him or them by the Overseers of the Poor, of such Parish, or by any one of them, or by any Substantial Householder of such Place to issue out his or their Warrant or Warrants for the immediate apprehending such Person so charged as aforesaid, and for bringing him before*

such Justice or Justices or before any other of his Majesty's Justices of the Peace of such County, City, Borough, Parish or Place, and the Justice or Justices before whom such Person shall be brought is, and are hereby Authorized and required to commit the Person so charged as aforesaid, to the common Goal or House of Correction of such County, City, Borough, Parish or Place, unless he shall give Security to indemnify such County, City, Borough, Parish or Place or shall enter into a Recognizance with sufficient Surety, upon Condition to appear at the next General or Quarter Sessions of the Peace to be holden for such County, City, Manor or Place, and to Abide and Perform such Order or Orders as shall be made in Pursuance of an Act passed in the Eighteenth Year of the Reign of her Majesty Queen Elizabeth concerning Bastards begotten and born out of lawful Matrimony.

May commit such persons failing to give security, or to enter into recognizance, etc.

*Provided nevertheless, And be it Enacted by the Authority aforesaid, That* if the Woman so charging any Person as aforesaid, shall happen to die or be married before she shall be delivered, or if she shall miscarry of such Child, or shall appear not to have been with Child at the Time of her Examination, Then and in any of the said Cases, such Person shall be discharged from his Recognizance at the next General or Quarter Sessions of the Peace, to be holden for such County, City, Borough or Place, or immediately released out of Custody by Warrant under the Hand and Seal, or Hands and Seals of any one or more Justice or Justices of the Peace residing in or near the Limits where such Parish or Place shall lie.

Discharge, in case of death, or marriage, before birth of child.

*Provided also, And be it Enacted by the Authority aforesaid, That upon* Application made by any Person who shall be committed to any Goal or House of Correction by Virtue of this Act, or by any Person on his Behalf to any Justice or Justices residing in or near the Limits where such Parish or Place shall lie, such Justice or Justices is and are hereby authorized and required to Summon the Overseer or Overseers of the Poor of such Parish or one or more of the Substantial Householders of such Place to appear before him or them at a Time and Place to be mentioned in such Summons to shew Cause why such Person should not be discharged and if no Order shall appear to have been made in Pursuance of the said Act of the Eighteenth Year of the Reign of her Majesty Queen Elizabeth within six Weeks after such Woman shall have been delivered, such Justice or Justices shall and may discharge him from his Imprisonment, in such Goal or House of Correction, to which he shall have been committed.

Proceedings for discharge of persons committed, in certain cases.

Power of justices to discharge, in absence of certain order.

*Provided always, And be it further Enacted by the Authority aforesaid, That* it shall not be lawful for any Justice or Justices of the Peace to send for any Woman whatsoever, before she shall be delivered and one Month after, in order to her being examined concerning her Pregnancy or supposed Pregnancy or to compel any woman before she shall be delivered to Answer to any Questions relating to her Pregnancy any Law, Usage or Custom to the contrary notwithstanding.

Justices, when to hear woman.

*And Whereas* the putative Fathers and lewd Mothers of Bastard Children run away out of the Parish or Place and sometimes out of the County, and leave the said Bastard Children upon the Charge of the Parish or Place where they are born, although such putative Father and Mother have Estates sufficient to discharge such Parish or Place *Be it therefore Enacted by the Authority aforesaid, that* it shall and may be lawful for the Church Wardens or Overseers of the Poor of such County, City, Manor, Parish or Place where any Bastard child shall be born, to take and seize so much of the Goods and Chattels and

Bastard children, to be maintained from property of putative fathers, etc.

to receive so much of the Annual Rents or Profits of the Lands of such putative Father or lewd Mother, as shall be ordered by any two Justices of the Peace, for or towards the Discharge of the Parish or Place to be confirmed at the Sessions for the bringing up and providing for such Bastard Child, and thereupon it shall be lawful for the Sessions to make an Order for the Church Wardens or Overseers for the Poor of such Parish or Place to dispose of the Goods by Sale or otherwise or so much of them for the Purposes aforesaid as the Court shall think fit, and to receive the Rents and Profits, or so much of them as shall be Ordered by the Sessions as aforesaid of his or her Lands.

## Chapter XLII.

AN ACT to Amend an Act entitled an Act to empower the Justices of the Peace of the County of Albany living or Dwelling in the Township of Schenectady in the said County to Regulate the Streets and Highways and to prevent Accidents by Fire in the said Town.

PASSED the 19th of March 1774.

Preamble. WHEREAS by an Act of the Legislature passed the Eleventh Day of November One thousand Seven Hundred and Twenty six entitled "An Act to Impower the Justices of the Peace of the County of Albany living or dwelling in the Township of Schenectady in the said County to Regulate the Streets and Highways and to prevent Accidents by Fire in the said Town," The Inhabitants and Freeholders are impowered and directed Annually on the first Tuesday in April to Elect and Choose by Majority of Voices, Two able and discreet Persons to be Overseers of the Chimnies and Ovens. But there being no Penalty inflicted by the said Law in Case the said Overseers should Neglect or Refuse to serve; Difficulties for want thereof have arisen

Penalty for refusal to serve, of overseers of chimnies, etc.

How recovered and applied.

Overseers, to examine chimnies once every fortnight.

This act, and a former one, to be in force to Feb. 1, 1778.

*Be it therefore Enacted by his Excellency the Governor, the Council and the General Assembly and it is hereby enacted by the Authority of the same* that every Overseer of Chimnies and Ovens to be chosen for the future by Virtue of the said Act shall in Case of any Refusal or Neglect to serve as such Forfeit the Sum of Ten Pounds to be recovered by Action of Debt in any Court of Record within the said County, wherein but one Impar lance shall be allowed, one half of which Forfeiture shall be for the use of the Person suing for the same, and the other half to the use of the Poor of the District of Schenectady.

*And be it further Enacted by the same Authority* that the Overseers of Chimnies and Ovens so to be chosen by Virtue of the said Act shall and they are hereby directed and impowered once in every Fortnight to enter the Houses of the Inhabitants of the said Town in order to examine and View the Chimnies and Fire places instead of once in every Month as is by the said Act directed any Thing therein contained to the contrary notwithstanding

*And be it further Enacted by the Authority aforesaid* that this Act and the Act entitled an Act to continue an Act entitled an Act to revive an Act entitled an Act to empower the Justices of the Peace of the County of Albany living or Dwelling in the Township of Schenectady in the said County to Regulate the Streets and Highways and to pre-



vent Accidents by Fire in the said Town shall continue and be in Force from the Passing hereof until the First Day of February One Thousand seven Hundred and Seventy eight.

## Chapter XLIII.

AN ACT for running out and marking the Division Line between the Counties of Ulster and Orange, from the East Side of the Shawangunk Mountains to the Delaware River.

PASSED the 19th of March 1774.

WHEREAS the Line dividing the Counties of Ulster and Orange, has never been run and marked farther Westward than to the East Side of the Shawangunk Mountains, and for want of a Continuance of that Line to the Delaware River, the Jurisdiction of those Parts of the said Counties lying West of the said Mountains is uncertain and the Inhabitants thereof are frequently taxed and compelled to perform Public Duties in both of the said Counties; To remedy which Evils,

*Be it Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That the said Line shall be continued run out and marked as soon as conveniently may be, from the East Side of the Shawangunk Mountains afore-said to the Delaware River on a Course of South eighty nine Degrees and fifty Minutes West, as the Magnetic Needle now points, by such Person as shall be appointed for that Purpose by William Allison, John Gale, Jonathan Smith, Jesse Woodhull and Joseph Watkins Esquires or any three of them, which Person shall be sworn to perform the same truly, agreeable to the Directions of this Act, and the Expences attending the same shall be paid by the said Counties respectively in equal Proportion, and raised as the Contingent Counties. Charges of the said Counties respectively are; and the said Line so to be run shall be the Line of Jurisdiction between the said two Counties in such Parts thereof as adjoin the same. Division line to be run and marked.  
Expences how paid, by two counties. Line of jurisdiction.

*Provided always, and be it further enacted* That Nothing in this Act contained shall be construed to affect any Person's Title Estate or Possession but the same shall remain in the same Condition as if this Act had never passed. Act not to affect titles, etc

## Chapter XLIV.

AN ACT for the more equal Taxation of Estates in the County of Orange.

Passed the 19th of March 1774.

FORASMUCH as the Method heretofore practised for the Taxation of Estates in the County of Orange hath not been done in that due equal and just Proportion as it is conceived it might be, and as Justice and Equity demand that all the Freeholders and Inhabitants thereof

should be rated and Taxed in due Proportion to the Estates they enjoy,

*Be it therefore Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That from and after the first Day of April next, it shall and may be lawful for the Freeholders and Inhabitants of each of the respective Towns and Precincts within the said County to choose and elect at their annual Meetings a Person being a Freeholder inhabiting within the said Town or Precinct for one of the Assessors of the County, which Assessor so chosen in each of the Towns or Precincts as aforesaid shall meet on the second Tuesday of April next at the House of Daniel Coe in Kakiate in said County, and before they enter on the Duties of their Office shall take an Oath before any one of his Majesty's Justices of the Peace for said County to the following Effect, *to wit*, That they shall and will well truly equally and impartially according to the best of their Skill knowledge and Judgment assess the Real Estates (Wood Land only excepted) and Personal Estates of all the Freeholders and Inhabitants of the said County as nearly as they can discover the same to be, within the same County.

*And be it further Enacted by the Authority aforesaid,* That the said Assessors so chosen and qualified shall as soon as they conveniently can after such Qualification make an Assessment in the Manner following, *to wit*, they shall proceed all together from House to House throughout the said County, till they have gone through the whole and shall make out a true and exact List of all the Names of the Freeholders and Inhabitants of the said County, and against the Names of every such Person, shall set down the Value of all his or her Estate real and personal as nigh as they can discover the same to be within the same County setting down for every hundred Pounds real Value stated as aforesaid four Pounds, and in that Proportion for a greater or lesser Sum, which List or Lists the said Assessors shall deliver to the Supervisors of the said County on or before the first Tuesday of June then next ensuing.

*And be it further Enacted by the same Authority,* That the said Supervisors shall make the Quota of each respective Person or Persons according to the Total Sum of the List or Lists returned as aforesaid and not otherwise, and that the Clerk of the Supervisors shall transcribe the List or Lists and add to each Persons Rate the Sum or Proportion such Person is to pay of what the Supervisors find the said County chargeable with, and when the said List or Lists are compleated the said Supervisors or the greater Number of them are hereby required to issue their Warrants commanding the Collector or Collectors of each Town or Precinct to collect and pay the same as by the Warrant shall be directed.

*And be it further Enacted by the Authority aforesaid,* That if any Assessor or Assessors, Collector or Collectors chosen and elected at the annual Town Meetings for choosing of officers shall either refuse to take the Charge upon him or them, or if having accepted the same shall neglect his or their duty therein required, each so refusing or neglecting shall respectively forfeit the Sum of five Pounds, to be recovered by the Supervisors of the said County, or any one of them with full Costs of Suit, before any one of his Majesty's Justices of the Peace for said County, to be by them applied towards defraying the contingent Charges of said County.

*And be it Enacted by the Authority aforesaid,* That the said Assessors as a Reward for their Trouble shall receive five Shillings per Day, and

Freehold-  
ers of each  
town, etc.,  
to elect  
one asses-  
sor.

Meeting of  
assessors  
so elected.

Assessor's  
oath.

Assess-  
ment, how  
made.

To make  
list of free-  
holders,  
with value  
of estates,  
real and  
personal.

To deliver  
lists to  
super-  
visors.

Supervi-  
sors to fix  
quota of  
each per-  
son, ac-  
cording to  
lists.

Issue of  
warrants  
for collec-  
tion.

Penalty  
for neglect  
or refusal  
to serve, by  
assessors  
or col-  
lectors.

Compensation  
of assessors.

the same shall be raised levied and paid in the same Manner as the other Contingent Charges of the said County are.

*And be it further Enacted by the Authority aforesaid,* That the Act Act of January 27, 1770 suspended. entitled, "An Act for the more equal taxation of Estates in Orange County" passed the twenty seventh Day of January one thousand seven hundred and seventy shall be and hereby is suspended during the continuance of this Act.

*And be it Enacted by the same Authority,* That this Act shall be in This act in force to February 1, 1776. force from the passing hereof till the first Day of February which will be in the Year of our Lord one thousand seven hundred and seventy five and no longer.

## Chapter XLV.

AN ACT to amend an Act entitled, "An Act for the better laying out and keeping in repair common public and private Highways in the County of Orange."

PASSED the 19th of March 1774.

**Preamble.**  
WHEREAS by the eleventh Section of an Act of this Colony passed the eighth Day of March one thousand seven hundred and seventy three entitled, "An Act for the better laying out and keeping in repair common public and private Highways in the County of Orange," it is enacted, That every Overseer in each Precinct shall on or before the first Monday in December in every Year deliver under Oath to one or more of the Commissioners of the Precinct to which he doth belong, an Account of the Labour done on the Highways within his District. *And Whereas* it may hereafter happen that a Quaker may be chosen an Overseer of a District,

*Be it therefore Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* Quakers, when chosen overseers of roads, may make affirmation as to work done. That whenever a Quaker shall be chosen an Overseer of a District it shall and may be lawful for him, and he is hereby required to deliver an Account of the Labour done on the Highways within his District under a solemn Affirmation instead of the Oath aforesaid any Thing in the said in part recited Act to the contrary thereof notwithstanding.

*And Whereas* Disputes have frequently happened respecting the Time that Persons ought to reside within the said County of Orange before they can be compelled to work on the Highways, for remedy of which, *Be it further Enacted by the Authority aforesaid,* Residence of forty days, subjects resident to highway labor. That every Person who shall reside in the said County of Orange for the Space of forty Days shall be deemed and adjudged an Inhabitant, for the purpose of working on the Highways and shall be compelled to work on the same.

*And be it further Enacted by the same Authority,* That Peter Townshend, Nathaniel Roe and Thomas Welling or any two of them are hereby authorized impowered and required to take a Review of the Road that runs from the House of Jacob Mace to Sterling Iron Works, from thence to Stephen Slot's, and from thence to the Line of Partition between this Colony and the Colony of New Jersey, near the House of Coenrad Frederick and the same to lay out alter and regulate as they shall think proper; which being entered as usual in Persons appointed to view a certain road.

May alter, regulate and record said road. the Town Clerk's Book of the Precinct of Goshen Cornwall and Harverstraw, shall be good and effectual, any Law Usage or Custom to the contrary in any wise notwithstanding.

Certain roads, on west side of Wallkill, how worked. *And be it further Enacted by the Authority aforesaid,* That the Roads within the said County of Orange on the West Side of the Wallkill that were within the Jurisdiction of New Jersey until the late final Settlement of the said Line of Partition between the said Colonies, shall be worked upon by the Freeholders and Inhabitants of that Part of the County as any other District in the said Precinct of Goshen is worked upon, until the Commissioners for the Time being for the said Precinct of Goshen shall think proper to new lay or alter the same.

Power of commissioners of Goshen, as to same. *And be it further Enacted by the Authority aforesaid,* That in Case the Court of General Sessions of the Peace for the said County of Orange shall be of Opinion, that the Freeholders and Inhabitants of the said County ought to work on the Highways a greater Number of Days, than five in a year, it shall and may be lawful, and the said Court when it shall be held at Goshen, is hereby authorized and empowered by Rule or Order of the same annually to direct the Number of Days, not exceeding five in one Year, and the Times when the Freeholders and Inhabitants shall work, over and above the five Days already established by Law, on the Highways within their respective Districts in the Precincts of Goshen and Cornwall, and the said Court when it shall be held on the South Side of the Highlands, shall have the like Power to direct the Number of Days, and the Times when the Freeholders and Inhabitants of the Precincts of Haverstraw and Orange Town shall work on the Highways, and the Overseers of the respective Districts within the said County shall order the Freeholders and Inhabitants of their respective Districts under the like Penalties in the said Act mentioned to work on the Highways agreeable to the Directions of the said Court: and if any Overseer shall refuse or neglect to work agreeable to the Directions of the said Court, he shall for every Offense forfeit the Sum of five Pounds, to be recovered with Costs of Suit before any Justice of the Peace in the said County, one half of which Forfeiture shall be for the use of the Prosecutor, and the other half shall be laid out on the Highways in the District where such Overseer shall reside.

Duty of overseers of districts.

Penalty for neglect of duty by overseers.

How recovered and applied.

## Chapter XLVI.

AN ACT for raising a Sum not exceeding One Thousand Pounds for building a Court House and Goal in the County of Orange and for other Purposes therein mentioned.

PASSED the 19th of March 1774.

Preamble. WHEREAS the Court House and Goal in the Township of Orange on the South side of the Mountains in Orange County were lately destroyed by Fire, *And Whereas* by the late Settlement of the Line between this Colony and the Colony of New Jersey, the situation where said Court House stood is within a few Rods from said Line, and therefore altogether inconvenient to the Inhabitants thereof,

*Be it therefore Enacted by his Excellency the Governor, the Council and the General Assembly, and it is hereby Enacted by the Authority of the same,* That the Justices of the Precincts of Orange Town and Haverstraw in the County of Orange, together with the Supervisors for the Time being and Cornelius Cornelius Smith and Roeloff Van Houten shall meet at the House of Daniel Jeroe on the first Tuesday in May next, and they, or the greater Number of them then and there present, are hereby impowered and required to fix on the most Convenient Spot where the Court House and Goal shall be erected at a place commonly called the City near the House of the said Daniel Jeroe in the Precinct of Haverstraw in the said County of Orange, and to determine the Plan and of what Materials the same shall be built.

Commission, to fix upon site for court house, etc., at the "City."

To determine as to plan and materials therefor.

*And be it further Enacted by the Authority aforesaid* that for building and erecting the same Court House and Goal, the Supervisors of the said County for the Time being shall and they are hereby directed and required to order to be levied on the Freeholders and Inhabitants of the said Precincts of Orange Town and Haverstraw a Sum not exceeding One thousand Pounds with the Additional Sum of Three Pence for every Pound for collecting the same, Two hundred and fifty Pounds, of which said One thousand Pounds shall be raised in the first Tax that shall be levied after the Publication of this Act and so Annually for three Years next after the said first Tax, the Sum of Two hundred and fifty Pounds; which said Sum of One thousand Pounds shall be raised levied and collected in the same manner as the other necessary and contingent Charges of the said County are.

Supervisors, to raise not exceeding £1,000 for same, upon certain towns.

Tax to be raised in installments.

*And be it further Enacted by the Authority aforesaid,* That the Monies so to be raised by Virtue of this Act shall from Time to Time be paid by the several and respective Collectors of the said Precincts of Orange Town and Haverstraw unto John Coe, David Pye, Edward William Keirs, Cornelius Cornelius Smith and Roeloff Van Houten who are hereby appointed Trustees for laying out the said One thousand Pounds for the Purposes aforesaid, and the said Trustees or any three of them shall and may from Time to Time inspect, examine Audit and Settle all the several and respective Accounts for Workmanship and the Materials to be employed or used or other Expences for and towards building and erecting the said Court House and Goal before mentioned, and of the due Disposition of the said Sum of One thousand Pounds, or so much thereof as shall from Time to Time come to their Hands, they the said Trustees appointed as aforesaid shall render a true and just Account upon Oath unto the Justices of the Peace at the General Sessions of the Peace for the said County when by them thereunto required.

Trustees designated to make expenditure.

Accounts how audited.

Trustees to account therefor.

*And be it further Enacted by the Authority aforesaid,* That the said John Coe, David Pye, Edward William Keirs, Cornelius Cornelius Smith and Roeloff Van Houten or the Major Part of them shall and they are hereby impowered to sell or otherwise dispose of all the Materials remaining of the old Court House lately destroyed by Fire, and in the Name of the Trustees, or the Major Part of them appointed by this Act to call Persons to Account who may have taken away or embezzled any Part of the said Materials, and if need be to sue for and recover the same in any of his Majesty's Courts within this Colony, and the Monies arising by such Sales or Recoveries shall be applied towards the Building and Finishing the said Court House and Goal.

Trustees, to sell materials from old court house.

Avails therefrom, how applied.

*And Whereas* the said Trustees may want some Part or the whole Sum of One thousand Pounds for the Purpose of building said Court

Trustees may borrow money, in anticipation of tax, for building.

To deliver account of interest due, to supervisors.

Supervisors to order payment of same.

House and Goal before any Part of the said Sum hereby directed to be raised can come into their hands. Be it further Enacted by the same Authority, that the said John Coe, David Pye, Edward William Keirs, Cornelius Cornelius Smith and Roeloff Van Houten or any three of them may from Time to Time take up at Interest, the whole or so much of the said One thousand Pounds as shall appear to them to be necessary towards carrying on building and finishing the said Court House and Goal with convenient Expedition, And of the Interest of such Sum or Sums so to be taken up by the said Trustees for the Purposes aforesaid, they shall keep a particular Account and deliver the same Certified under their Hands or the Hands of the Major Part of them to the Supervisors of the said County, who shall and are hereby directed and impowered thereupon to order the raising of the Sum or Sums due or to become due for Interest as aforesaid, of and from the Freeholders and Inhabitants of the said Precincts of Orange Town and Haverstraw, in the same Manner as the Contingent Charges of the said County are raised, which Money when collected shall be paid by the respective Collectors of said Precincts, into the hands of the Trustees aforesaid to be by them applied for the Purposes aforesaid.

## Chapter XLVII.

AN ACT to amend an Act entitled. "An Act for the better laying out, regulating and keeping in repair the Common and Public Highways in the County of Charlotte."

PASSED the 19th of March 1774.

**Preamble.** WHEREAS the Commissioners appointed by an Act entitled. "An Act for the better laying out regulating and keeping in repair the Common and Public Highways in the County of Charlotte," did not assemble and meet at the Time and Place in and by the said Act directed, to execute the Powers in them thereby vested; by means whereof the said Act hath not hitherto been carried into Effect; and the said Act will expire on the first Day of February next,

*Be it therefore Enacted by his Excellency the Governor, the Council and the General Assembly and it is hereby enacted by the Authority of the same.* That it shall and may be lawful to and for the Commissioners in the said Act named or the Major Part of them who shall continue Residents in the said County of Charlotte, and they are hereby required to assemble and meet together at the Dwelling House of Patrick Smith Esquire where the Courts of Justice, in and for the said County are now usually held, and at such Day between the passing of this Act, and the first Day of August next, as shall be notified by William Duer Esquire, the said Patrick Smith and Thomas Clarke three of the said Commissioners or by any two of them, And the said Commissioners so appointed by the said recited Act, or the Major Part of them who shall continue Residents in the said County, shall then and there proceed to execute the Trust reposed in them by the said Act, and at such their first Meeting, shall and may agree upon such Place and Time for any Future Meeting as to the major Part of them, shall appear most convenient.

Commissioners under former act, to meet and execute their trust, etc.

*And be it further Enacted by the Authority aforesaid, That the said Act herein recited shall continue and remain in full force until the first Day of February which will be in the Year of our Lord one thousand seven hundred and seventy eight, any Thing therein contained to the contrary notwithstanding.*

Act herein named, to remain in force to February 1, 1778.

## Chapter XLVIII.

AN ACT for the Relief of Insolvent Debtors within this Colony, with respect to the Imprisonment. of their Persons.

PASSED the 19th of March 1774

WHEREAS it has been represented to the General Assembly That the several Persons herein after mentioned imprisoned in different Goals in this Colony, are destitute even of the common Necessaries of Life, and it is conceived reasonable if their Creditors will not consent to their Enlargement, or contribute to their Subsistence, that such Persons should be relieved by the Legislature; to this End,

Preamble.

*Be it Enacted by his Excellency the Governor the Council and the General Assembly and it is hereby enacted by the Authority of the same, That such* of the Creditors of the following Persons Vizt: Frederick Donaldson, Michael Jacobs, James Light Junior, John Cannon, Louis Andrew Gautier, John Godfrey Muller, Justus Rodgers, William Sloo, George Fach, Jeremiah Moor, John Campbell Taylor, James Dunscomb, James McMillan, Jedediah Beckwith, and Anthony Fowler insolvent Debtors in the City of New York; Daniel Angevine and James Green insolvent Debtors in the County of West Chester; Simon Laraway, John O'Farrel and Casparus VanSalsbury insolvent Debtors in the City of Albany, John Wallace and John Concklin insolvent Debtors in the County of Orange; John Johnson an insolvent Debtor in the County of Ulster; and Peter Harris, Amos Dickinson, John Nicholas Hannike, John Way, Jacobus C. Swartwout, Gale Yelverton, Joseph Higgins, John Coopman, Lewis Winter, Joseph Cock, Peter Philips, and John Laroy insolvent Debtors in the County of Dutchess who shall insist upon such their Debtors being detained under their respective Confinements shall within four Weeks after the first Publication of such Advertisements as are herein after directed, agree by writing under their Hands to pay and allow three Shillings and six Pence per Week unto the said Prisoners respectively to be paid the Monday of every Week, so long as he shall continue in Prison at his her or their Instance; and if such Agreement as aforesaid shall not be entered into, or if entered into, not punctually complied with, and on failure of the Payment of such Weekly Sum at any Time, such of the said Prisoners whose Creditor or Creditors shall not enter into such Agreement, or shall fail complying with it as aforesaid, shall be intitled to the Benefit of this Act, upon complying with the Terms and Conditions herein after imposed.

Creditors, to make weekly allowance to certain debtors, herein named, so long as imprisoned.

Rights of imprisoned debtors, in case no agreement is made, etc.

*And be it further Enacted by the Authority aforesaid That it shall and may be lawful for each and every of the above named Persons to present a Petition to the Court out of which any Process against them respectively hath issued and upon which they are imprisoned, or to any two of the Judges of such Court, certifying the Cause or*

May apply to court for discharge.

Petition to court to contain inventory and account of his property.

Notice to creditors, how published.

Court may administer oath to prisoners.

Form of oath and verification of inventory, etc.

If controverted by creditors, court may appoint a day for further hearing.

Power of court to discharge or remand debtor.

May order assignment of property named in inventory, in trust for creditors.

Duty of such Trustees.

Causes of his Imprisonment, and exhibiting an Account and Inventory of his whole real and personal Estate, and of the securities relating to the same, which Petition with the said Account and Inventory shall be lodged with the Clerk of the said Court for the Inspection of the Creditors; and after such Petition presented and Account and Inventory filed, such Prisoners shall respectively publish Advertisements in one or more of the Public News-Papers of this Colony notifying their Creditors that they intend to apply to the said Court or to any two of the Judges thereof who shall attend, at a certain Day not less than four Weeks from the Publication of such Advertisements respectively, to be discharged according to the Prayer of his or their said Petition, at which Day the said Court or the said two Judges may and are hereby required by Precept under their Hands and Seals directed to the Sheriff, Goaler, or Officer in whose Custody such Prisoner or Prisoners may be to order the said Prisoner or Prisoners respectively to be brought up before such Court or such Judges; and unless it be made appear that such Provision as aforesaid hath been made for the Subsistence of the said Prisoner or Prisoners by his or their Creditors respectively the said Court or Judges may then respectively administer the following Oath or Affirmation to wit:

"I, A. B. do solemnly swear or affirm That the Account by me filed in the Office of the Clerk of the Supreme Court, (or in the Office of the Clerk of the County of \_\_\_\_\_ naming the County, as the Case may be,) is a just and true Account of all my Creditors and the Monies owing to them respectively by me to the best of my knowledge and Remembrance; and that the Inventory and Account by me filed in the said Clerk's Office, is a just and true Account of all my Estate real and personal both in Law and Equity, either in Possession Reversion or Remainder (the necessary wearing Apparel of myself and Wife and Children; and Family immediately under my Care excepted,) and I have not directly or indirectly sold, Leased, assigned or otherwise disposed of, or made over either in Trust for myself or otherwise except as set forth in the same Account and Inventory any Part of my Estate real or Personal for my future Benefit, or in order to defraud my Creditors, and that none of my Creditors reside in Great Britain, so help me God."

Which Oath or affirmation being taken, if the Truth thereof shall be denied or controverted by any of the Creditors, the said Court or Judges may appoint some further Day for having the Parties as well Debtors as Creditors, and upon such further hearing, may in their Discretion either remand the said Debtors or proceed to their Discharge, as if no such further hearing had been required; but if the said Oath or Affirmation shall not be controverted or denied, then the said Court or Judges may immediately order the Lands Goods and Effects contained in such Account and Inventory to be by a short Indorsement on the Back of such Petition executed by the Prisoner assigned to the said Creditors, or to one or more of them, or to some other Person or Persons, to be appointed by the said Court or Judges respectively in Trust for all the Creditors; and also for all Attornies, Sheriffs, Goalers and other Officers with respect to their Fees, for which they shall come in as the Creditors of the Insolvent abating *pro rata*, by which Assignment such Estate shall actually vest in, and be taken in possession by the said Trustee or Trustees, according to the Purport of such Assignment, and shall be divided by the Assignees from Time to Time among all the Creditors in proportion



after six Months previous Notice published in one of the Public News-Papers of this Colony of such Assignment, and requiring all the Creditors to send in their Demands, and if any Part Thereof is in possession of any other Person or Persons, the same shall be recoverable in the Name or Names of such Trustee or Trustees, who are hereby fully authorized to dispose of and execute good and sufficient Deeds for the same or any Part thereof, and to divide and distribute as well the Monies thence arising, as such other Monies which shall come into their Hands by virtue of this Act, among the Creditors of the said Debtors respectively, and the Officers aforesaid to whom any Fees may be due in proportion to their respective Debts or Demands, according to the true Intent and meaning of this Act, to which no Release from the Insolvent shall be any Bar; And immediately upon such Assignment being made, the said Prisoner or Prisoners shall by order of the said Court or Judges be discharged out of Custody: and such Order shall be a sufficient Warrant to the Sheriff Goaler or Keeper of such Prisoner, to discharge such Prisoner or Prisoners, if detained for no other Cause or Causes than those mentioned in such his or their Petition; and he is required forthwith to discharge and set him or them at liberty without Fee, and upon such Discharge the said Debtors shall be finally released from all Debts contracted, and all Judgments obtained before that Time, and shall not be liable to be sued or arrested, or to have their Lands or Tenements Goods or Chattels seized by virtue or in consequence thereof: And every Person who shall be convicted of willful false-swearing, in any Matter or Article contained in the said Oath, he shall be guilty of Felony and suffer the Pains of Death without Benefit of Clergy.

Prisoners to be discharged, upon making assignment.

To be released from debts, etc., upon discharge. Willful false swearing, punishable with death.

*Provided nevertheless and be it also enacted by the same Authority, That* if any or either of the said insolvent Persons other than such as are confined in the Goal of the City and County of New York, shall be imprisoned by virtue of Process of the Supreme Court, it shall be lawful for such Persons respectively to take such Oath or Affirmation as aforesaid before any one of the Judges of the Inferior Court of Common Pleas of the County in which they are respectively imprisoned, and such Oath or Affirmation being subscribed by such Debtor and certified by such Judge to transmit to the said Judges of the Supreme Court at the Day mentioned in such Advertisement for the Purpose aforesaid; and on such Day, such Judges of the Supreme Court may proceed to issue their Order or Warrant commanding the Sheriff in whose Custody such insolvent Debtor may be, to discharge such Debtor immediately after he shall have executed such Assignment as by this Act is directed in the Presence of two Witnesses, of whom the said Sheriff or one of his Deputies shall be one.

Debtors, confined by supreme court, may take required oath before inferior court.

Proceedings thereupon.

*And be it further Enacted by the Authority aforesaid, That* if any of the said Debtors shall be sued for any debts accrued before the passing of this Act, or if any Judge or other Officer shall be sued for any Thing done in pursuance, and under the Authority of this Act, such Defendant may plead the General Issue, and give this Act and the special Matter in Evidence. *Provided, That* this Act shall not extend to discharge any Person who shall stand committed at the suit of the Crown, *And Provided also, That* this Act shall not be construed to affect any Creditor or Creditors residing in Great Britain any Thing herein contained to the contrary notwithstanding.

General issue, plea of, in certain cases.

Act, not to extend to debtors of Crown, nor affect creditors in Great Britain.

*Whereas* by an Act of this Colony passed in the year of our Lord one thousand seven hundred and seventy two, entitled, "An Act for the Relief of insolvent Debtors within this Colony with respect to the

imprisonment of their Persons," it was enacted, that John P. Smith a Prisoner confined in Orange County Goal, should have the Benefit of the said Act. *And Whereas* the said Prisoner did pursuant to the said Act, petition the Judges of the Supreme Court, and did duly advertise his Intentions of applying for a Discharge, and was afterwards by order of the said Court brought before the same on Saturday the first Day of August one thousand seven hundred and seventy two, being the last Day of the Term to be discharged pursuant to the said Act. *And Whereas* the said Prisoner did accordingly attend the Court, but imagining he was to be called neglected to apply to the Court till the same was adjourned. *And Whereas* the said Prisoner did afterwards again advertise his intention of being discharged, and no objection being made was discharged by the Judges of the said Court pursuant to the said Act; But as the said Prisoner was not discharged on the said first Day of August, nor any order made on that Day respecting him by the said Court, doubts have since arisen whether the Sheriff or other Officer who had the custody of the said Prisoner was not guilty of an Escape for remedy whereof.

Discharge  
of John P.  
Smith,  
under act  
of 1772,  
declared  
legal.

*Be it Enacted by the Authority aforesaid,* That the said Sheriff or other Officer in whose Custody the said Prisoner was, shall be and is hereby discharged from all Actions which have or may be brought against him by reason of the supposed escape, and it is hereby declared that the said Prisoner shall be deemed in all Courts of Law and Equity to have been legally discharged on the said first Day of August pursuant to the said Act, and the said Sheriff or other Officer in any Suit may give this Act in Evidence without specially pleading the same.

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## Chapter XLIX.

### AN ACT for the Relief of Insolvent Debtors within this Colony.

PASSED the 19th of March 1774.

Certain  
insolvent  
debtors,  
allowed  
benefit of  
act of Dec.  
19, 1766.

*Be it Enacted by his Excellency the Governor the Council and the General Assembly and it is hereby enacted by the Authority of the same* That Henry Bickers, John Burrow, John Hutt, William Stone, Johannes Duryee, James Obrien, John Shaw, John Haumaid, Matthias Compton, Isaac De Lyon, Moses Hart, William Upton, John Osborn, Robert Welsh, Thomas Dunn, George Traile, Thomas Lupton, John Campbell Shopkeeper, James McKendless, David McKendless, William Norman, and John Griffiths insolvent Debtors in the City of New York; Volkert Dawson, Arent Wempel, Sebastain Keyserick, John Johnson, Francis Martin, John W. Wendell and Philip Cuyler insolvent Debtors in the City of Albany; and Charles Giles an insolvent Debtor in Ulster County in this Colony shall and may, and are hereby allowed to take the Benefit of the several Acts continued by an Act entitled, "An Act to continue the several Acts therein mentioned respecting the Relief of Insolvent Debtors." passed the nineteenth Day of December one thousand seven hundred and sixty six, and which are expired by their own Limitation as fully and effectually as if the said Acts, respecting the Relief of Insolvent Debtors were now in actual and full force.

*Provided nevertheless and be it enacted by the same Authority that with* respect to such of the said several abovenamed Insolvent Debtors who may have been arrested by process out of the Supreme Court of this Colony (other than such as are confined in the Goal of the City and County of New York,) it shall be lawful for the said Insolvent Debtors, and for any or either of their Creditors respectively to take such Oaths or Affirmations as are directed to be taken by the said Acts hereby revived, before one or more of the Judges of the Inferior Courts of Common Pleas within this Colony instead of taking such Oaths or Affirmations before one or more of the Judges of the Supreme Court as is required by the said revived Acts, which Oaths or Affirmations such Judges of the Inferior Courts are hereby authorized to administer, And such Oaths or Affirmations respectively being reduced to Writing shall be transmitted to the Justices of the Supreme Court or any two of them, who may and shall proceed to the Discharge of such Insolvent Debtors respectively, as if such Oaths or Affirmations had been taken before them or either of them, any Thing in the said hereby revived Acts to the contrary notwithstanding.

Certain debtors arrested by Supreme Court process, may take oath before Inferior Courts.

Such oaths, to be transmitted to Supreme Court. Proceedings thereupon.

## Chapter L.

### AN ACT for laying a Road through the Land of Adolph Myer to Mutie David's Fly in the Township of Harlem.

PASSED the 19th of March 1774.

**WHEREAS** the laying out of a Road from the King's Highway to Mutie David's Fly on Hudson's River will be very convenient and useful to many Inhabitants of the Township of Harlem; and *Whereas* the Heirs of Peter Waldron through whose Land the greatest Part of the said Road will run have consented to the same being laid out, and *Whereas* Adolph Myer through whose Land a small Part of the said Road will run has refused to consent to the same,

*Be it therefore Enacted by his Excellency the Governor, the Council and the General Assembly and it is hereby enacted by the Authority of the same*

That the Commissioners for regulating laying out and keeping in repair the Public Highways in the City and County of New York shall, and are hereby empowered to lay out a Road not exceeding two Rods wide, from the King's Highway or road leading from New York to King's Bridge, through the Land of the said Adolph Myer not exceeding two hundred Yards, until it meets with the land belonging to the Heirs or Assigns of Peter Waldron and from thence along the Division Fence between the Lands of the said Adolph Myer and the Heirs or Assigns of Peter Waldron until it comes to Mutie David's Fly, and from thence to Hudson's River, provided the Persons for whose Benefit the said Road through the Lands of the said Adolph Myer shall be laid out, and shall use the same shall keep the said Road in repair, and a good and sufficient Fence on both sides of it, and the Part adjoining the King's Highway with a good and sufficient swinging Gate thereon, to be regulated by the above Commissioners, and shall pay to the said Adolph Myer the true Value of the Same, and the Damages he shall sustain thereby, to be set appraised and assessed by two Justices and twelve Freeholders of the County of West Chester to be summoned by the High Sheriff of the said County by virtue of a Warrant to be issued by the said two Justices for that purpose.

Commissioners to lay certain roads through lands of Adolph Myer.

Road, by whom kept in repair.

How fenced, etc.

Value of land, how ascertained by Jury.

Road, if  
not kept  
in repair,  
may be  
closed.

*Provided nevertheless,* That if the Persons for whose Benefit the said Road shall be laid out, shall hereafter neglect or refuse to keep the Part of the said Road through the Land of the said Adolph Myer in the Manner above directed, it shall and may be lawful for the said Adolph Myer to stop up and inclose the same.

## Chapter LI.

AN ACT to enable Lewis Morris and John Sickles to erect and build a Bridge across Harlem River.

PASSED the 19th of March 1774.

Preamble. WHEREAS the laying out of Highways in such Manner as to shorten the Distance from the City of New York to any Part of this or the neighbouring Colonies, or to render them more easy safe or convenient is an Object highly deserving the Attention of the Legislature. *And Whereas* a Bridge over Harlem River, and a Road through Harlem Morrissania, and the Borough of West Chester will greatly conduce to both of the aforesaid Purposes,

Bridge  
over Har-  
lem River  
author-  
ized.

Public  
highways  
from  
bridge.

Manner of  
construct-  
ing bridge,  
with aper-  
tures, etc.

*Be it therefore Enacted by his Excellency the Governor the Council and the General Assembly, and it is hereby Enacted by the Authority of the same,* That Lewis Morris of the Manor of Morrissania Esquire and John Sickles of the Township of Harlem be, and they hereby are impowered at any Time within three Years from the passing of this Act to erect and build a Bridge over Harlem River, from the Land of the said John Sickles to the Land of the said Lewis Morris, as they the said Lewis Morris and John Sickles shall judge most fit, and that the said John Sickles shall be and hereby is obliged to open and make a good and sufficient High Road from the Public Highway in the Township of Harlem to the said Bridge; and that the said Lewis Morris shall open and make a good and sufficient High Road from that End of the said Bridge on the Side of Morrissania to the Road now laid out leading to the Borough Town of West Chester.

*Provided,* That in such Bridge there shall be three or more Apertures of at least twenty five Feet each, for the Convenience of navigating the said River by small Boats: And the said Bridge when so built shall be and is hereby declared to be a free and public Highway for the Use Benefit and Behoof of all his Majesty's Subjects whatsoever.

## Chapter LII.

AN ACT to impower certain Persons therein named to compleat a Ditch that is partly dug from Gawanes Bay to the East River in Kings County under certain Restrictions.

PASSED the 19th of March 1774.

Preamble. WHEREAS the Inhabitants of Gawanes in Kings County have by their Petition to the General Assembly set forth the great Inconveniences under which they have laboured, by Reason of the difficult and dangerous Navigation to which they are exposed in going round Red

Hook in their Passage to the City of New York, And Whereas it has also been represented, That in Order to remove the said Inconveniences the Petitioners or those whose Estates they hold did for the Consideration of One hundred and Seventeen Pounds Purchase of Isaac Sebring a certain piece or streak of Meadow Ground through which to dig a Canal, whereby to open a Communication for small Craft between Gawanee Bay and the Bay of New York as appears in and by certain Indentures bearing Date the Twenty fourth Day of August in the Year of our Lord One thousand seven hundred and fifty one and made between the said Isaac Sebring of the one Part and Nicholas Veghte and eight other Persons of the other Part, And Whereas sundry Obstructions have hitherto prevented the entire Accomplishment of the said Canal and the aid of the Legislature is necessary effectually to finish and compleat the same,

*Be it therefore Enacted by his Excellency the Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the same,* That from and after the passing of this Act it shall and may be lawful for Nicklaes Veghte, Peter Staats, Deborah Bergen, Anthony Holst, John Rapalje Esquire, Wineant Bennet Jacob Bennet, Tuenis Bergen, Tuenis Tiebout and Simon Bergen their Heirs and Assigns or the Major Part of them to build and erect a good and sufficient Bridge well railed on the sides over the said Canal or Ditch (in that Part of it where a Road, sometime since laid out by the Commissioners of Highways in Kings County aforesaid for John Van Dyke, crosses the same: Which said Bridge shall be laid directly across the said Canal) and shall in other Respects be finished and compleated in such Manner as the said John Van Dyke his Heirs and Assigns shall think proper And the Expence of building and erecting the said Bridge as well as of upholding, maintaining and keeping the same in good Repair shall be sustained by and between them in such equitable Manner and Proportion as such Majority shall agree upon. And the said Nicklaes Veghte and the other Persons above named their Heirs and Assigns shall in like manner be obliged to keep in good Repair the said Road on each side of the said Ditch, for the Space of two Rods.

*And be it further Enacted by the Authority aforesaid,* That it shall and may be lawful for the said Isaac Sebring his Heirs and Assigns after the Passing of this Act to make, dig, finish and compleat the said Ditch or Canal in such Direction as the same is already begun and laid out through the said Meadow Ground from Gawanee Bay to the Bay or Harbor of New York Which said Ditch or Canal shall be Twelve and an Half Feet wide and Six Feet deep throughout But in Case the said Isaac Sebring his Heirs and Assigns shall not dig and finish the said Ditch or Canal within Three Months after he or they shall be thereunto requested by Notice in Writing to be Subscribed by the said Nicklaes Veghte, Peter Staats, Deborah Bergen, Anthony Holst, John Rapalje, Wineant Bennet, Jacob Bennet, Tuenis Bergen, Tuenis Tiebout and Simon Bergen or any three of them, That then and in such Case it shall be lawful for them the said several Persons last above named their Heirs and Assigns to make, dig, finish and compleat the said Ditch or Canal in the Manner aforesaid; And of the Expence and Charge which shall attend the carrying on and finishing the said Work they the said Nicklaes Veghte and the several other Persons last above named their Heirs and Assigns shall keep fair and exact Accounts which they shall render to the said Isaac Sebring his Heirs and Assigns who shall be obliged to discount and set off the Amount thereof against a certain Bond or Bonds to the said Isaac

Bridge to be erected across ditch or canal already dug..

Expence of building and maintaining bridge, how sustained.

Road to be kept in good repair.

Completion of ditch by Isaac Sebring, authorized.

Work, how done, in case said Isaac Sebring fails to complete same.

Account how rendered, and set off therefor.

Sebring from the said Nicklaes Veghte and others for the Purchase money of the said Meadow Ground mentioned in the said recited Deed.

Ditch may be continued, to East River or New York Harbor.

*And be it further Enacted by the same Authority* That the said Nicklaes Veghte, Peter Staats, Deborah Bergen, Anthony Holst, John Rapalje, Wineant Bennet, Jacob Bennet, Tuenis Bergen, Tuenis Tiebout and Simon Bergen their Heirs and Assigns shall and may continue the said Ditch to the East River or Harbour of New York and for that Purpose it shall be lawful for them to dig a Trench or Channel through the Beach on the East River aforesaid, and from Time to Time to clear and keep open the said Trench or Channel without any Hindrance or Impediment of or from any Person whatever, And it shall also be lawful to and for the said Nicklaes Veghte and the other Persons aforesaid their Heirs and Assigns to use occupy and enjoy the Ground adjoining the said Ditch or Canal so to be finished as aforesaid, for the Space of Two Feet and an Half on each side thereof for the Purpose of a Foot Path whereon to drag or hawl along their Canoes and other Craft agreeable to the Tenor and Purport of the said recited Deed.

Channel, how maintained.

Use of certain ground adjoining Ditch, authorized.

*And Whereas* it as apprehended that the said Canal or Ditch may be attended with Damage to the Mill now in the Occupation of Jacob Sebring Junior by Reason of the back Water which may possibly be occasioned thereby or otherwise. *Be it therefore Enacted by the same Authority*, That upon Complaints made by the said Jacob Sebring Junior his Heirs and Assigns that any Loss or Damage has happened to the said Mill by Means of the said Canal or Ditch it shall be lawful for any one of the Judges of the Inferior Court of Common Pleas for Kings County aforesaid and he is hereby required from Time to Time and as often as such Complaint shall be made to issue his Warrant to the High Sheriff commanding him to Summon a Jury of Freeholders of the Neighbourhood not interested in the Matters in Controversy to appear before such Judge at a certain Day and Place in the Warrant to be expressed to hear the said Complaint And the said Judge shall at such Day and Place Administer an Oath to the said Jurors well and truly to enquire and determine whether the Owner or Owners of the said Mill have really sustained any Loss Damage or Injury occasioned by the said Ditch or Canal, and if so what the Amount of such Loss, Damage or Injury to the said Mill is And also whether any such Loss Damage or Injury is in future likely to be occasioned by the said Ditch or Canal And if such Jury shall find that the Owner of the said Mill has really sustained and is likely further to sustain any Loss Damage or Injury thereto by Reason of the said Ditch or Canal then the Damages so to be assessed and also the Costs and Charge of calling such Jury and of the Proceedings thereon shall be borne and paid by the said Nicklaes Veghte and the several other Persons aforesaid in such Proportion as aforesaid which said Costs and Charges shall be Taxed by the said Judge and together with the said Damages if not paid within Twenty Days shall and may be levied by Distress and Sale of the Goods and Chattels of any or either of them the Persons last aforesaid their Heirs and Assigns. And upon such finding of such Jury the said Nicklaes Veghte and the several other Persons above named their Heirs and Assigns shall at their proper Charge and Expence make a flood or draw Gate so constructed as occasionally to prevent the Passage of the Water through the said Canal or Ditch. But in Case such Jury shall determine that the said Jacob Sebring Junior his Heirs and Assigns have not Sustained any Loss, Damage

Damages for injury to Mill, etc., how assessed by Jury.

Award of Jury, etc., how paid.

Proceedings there upon.

or Injury to the said Mill by Means of such Canal or Ditch then the Costs and Charges of calling such Jury and of the Proceedings thereon shall be paid by the Complainant or Complainants to be levied as aforesaid. Of which finding the said Judge shall make an Entry in Writing to be Subscribed by himself and the said Jurors. *Provided* Proviso. nevertheless that it shall not be lawful for the said Jacob Sebring Junior his Heirs or Assigns at any Time to prosecute such Complaint or to carry on such Proceedings as aforesaid until the said Nicklaes Veghte, Peter Staats, Deborah Bergen, Anthony Holst, John Rapalje, Wineant Bennet, Jacob Bennet, Tuenis Bergen, Tuenis Tiebout and Simon Bergen their Heirs and Assigns or the Major Part of them shall first have refused to make Amends for such Damages and to put up such Gate as aforesaid. *Provided also* that it shall be lawful for the said Nicklaes Veghte and the said several other Persons before named to make and erect such Gate as aforesaid before such finding of the Jury as aforesaid, and at any time they shall think proper after the Passing of this Act. Erection of gate, when authorized.

*And be it also Enacted by the Authority aforesaid,* that the said Nicklaes Veghte, Peter Staats, Deborah Bergen, Anthony Holst, John Rapalje, Wineant Bennet, Jacob Bennet, Tuenis Bergen, Tuenis Tiebout and Simon Bergen their Heirs and Assigns shall be, and are hereby made liable, at their joint Expence to be defrayed in such equitable Proportions as they or the Major Part of them shall agree among themselves to make, erect, uphold and maintain such and so many Dams upon the several Canals which intersect and run across the said Ditch or Canal so to be made as aforesaid, as will be sufficient to preserve the Water in the several Mill Ponds now belonging to Jacob Sebring Senior and the said John Van Dyke; And to enable them so to do it shall be lawful for them to enter upon the Meadow adjoining to and on each side of the said Canals and Ditches and from Time to Time to come and go to and from the same. And if the said Nicklaes Veghte and the several other Persons abovementioned shall neglect to maintain such Dams as aforesaid whereby Damages shall arise to the Owners of the Mills of the said Jacob Sebring Senior and John Van Dyke then and in such Case they shall be liable to repair such Damages, And it shall be lawful for the Owners of such Mills to proceed against them in the Manner above directed with Respect to the Damages which may arise to the Mill of the said Jacob Sebring Junior. Erection of dams upon Canals, to preserve water in certain Mill Ponds

*And be it also Enacted by the same Authority,* That in Case any of the Inhabitants of Gawaness aforesaid not named herein or in the Neighbourhood thereof shall make use of the said Ditch or Canal such Persons shall respectively be liable to contribute a proportionable share of the Expence and Charges of erecting and keeping in Repair the said Bridge and Gate. Inhabitants using Ditch or Canal, to contribute to expence thereof.

*Provided nevertheless* that if the said Nicklaes Veghte and the said several other Persons above named their Heirs and Assigns or the Major Part of them shall find the Damages occasioned by the said Ditch or Canal which they are made liable to pay by this Act to be more than the Benefits they shall derive from the same, that then it shall be in their Power to stop up the said Ditch or Canal whenever they shall think proper. Ditch may be closed, if damages exceed benefits.

*Provided always and be it also Enacted by the same Authority* that nothing herein contained shall be construed to make void the said Deed or Conveyance from Isaac Sebring or any Agreement Matter or Thing therein contained, but that the same shall remain in all respects not altered or affected hereby as if this Act had not been passed. Deed from Isaac Sebring not affected by this act.

L A W S  
OF THE  
COLONY OF NEW YORK,  
XV GEORGE III,  
CADWALLADER COLDEN, ESQ., LIEUT.-GOV., 1775.

Chapter LIII.

(CHAP. 1, LAWS OF 1775.)\*

AN ACT further to continue an Act entitled, "An Act for granting to his Majesty the several Duties and Impositions on Goods Wares and Merchandizes imported into this Colony therein mentioned."

PASSED the 31st of January 1775.

**Preamble.** WHEREAS the several Duties and Impositions on Goods Wares and Merchandizes imported into this Colony, and granted for the Support of the Government of his late Majesty King George the second by the abovementioned Act, have by several subsequent Acts been continued to the first Day of February one thousand seven hundred and seventy five; and the General Assembly being willing to make Provisions for the further Support of his Majesty's Government,

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That the abovementioned Act entitled, "An Act for granting to his Majesty the several Duties and Impositions on Goods Wares and Merchandizes imported into this Colony therein mentioned," passed in the twenty seventh Year of his late Majesty's Reign, shall be, and is hereby continued, and every Clause Matter and Thing therein contained, (excepting the Duty on the Article of Cocoa therein mentioned,) enacted to be and remain in full force to all Intents*

Act of 27th  
George II.  
continued  
in force to  
Feb. 1, 1776.

\*NOTE BY SECRETARY OF STATE.—In the printed volume of Colonial Laws of 1774-1776, referred to at page 5 herein, the last act passed in 1774, appears in such printed volume as Chapter LII, and the first act passed in 1775 appears therein, as Chapter LIII. The original chaptering (in Roman numerals,) of the Laws of the two years named, consecutively, has been preserved, but the running numbers of the chapters of the Laws of 1775, has also been added, in parentheses, in Arabic numerals.

Chapters LXIV, LXV, LXVI, LXVII and LXVIII, in the regular order of consecutive numbers, are missing, both in the original engrossed acts, remaining in the office of the Secretary of State and in the printed volume referred to.



Constructions and Purposes whatsoever until the first Day of February which will be in the year of our Lord one thousand seven hundred and seventy six inclusive; and that Nicoll Havens of Shelter Island in Suffolk County, be the Officer appointed to collect the Colony Duties in the said County, in the abovementioned Act. *Provided always*, That so much of the first Clause or Section of said Act as relates to European or East India Goods imported from the British Islands into this Colony, shall be construed taken and deemed to be from the British Islands in America only, any Thing in the said Act to the contrary hereof notwithstanding.

Appointment of Collector of Colony: duties for Suffolk Co.

Proviso, as to certain importations.

## Chapter LIV.

(CHAP. 2, LAWS OF 1775.)

AN ACT to appoint Commissioners for collecting the Duty of Excise on Strong Liquors retailed in this Colony from the first Day of February one thousand seven hundred and seventy five, to the first Day of February one thousand seven hundred and seventy six inclusive.

PASSED the 31st of January 1775.

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same* That the several and respective Persons and Officers herein after named, shall be and are hereby appointed Commissioners for collecting the Duty of Excise on Strong Liquors, laid by an Act entitled, "An Act to lay a Duty of Excise on Strong Liquors in this Colony, and to appropriate the Money arising therefrom," passed the eighth Day of March one thousand seven hundred and seventy three, of and from the several Retailers of Strong Liquors within the several Cities, Counties, Towns, Boroughs, Manors, Precincts and Districts, and the Harbours Bays and Rivers thereunto adjoining or belonging in this Colony, for which they shall be respectively appointed, from the first Day of February in the Year of our Lord one thousand seven hundred and seventy five to the first Day of February which will be in the Year of our Lord one thousand seven hundred and seventy six inclusive; that is to say,

Commissioners appointed for collecting excise duties on strong liquors.

For the City and County of New York Cornelius Clopper Esquire.

For New York city.

For the City and County of Albany, except the District of the Manor of Rensselaerwyck, the District of the Manor Livingston, and the District of the German Camp in said County, Gysbert G. Marcelis, and Gysbert Marcelis Esquires.

Albany city and county.

For the District of the Manor of Rensselaerwyck in the County of Albany, Lucas Van Veghten Esquire.

Rensselaerwyck manor.

For the District of the Manor of Livingston in the County of Albany Robert Livingston Junior Esquire.

Livingston manor.

For the District of the German Camp in the said County, John Curts Esquire.

German Camp.

For the County of Ulster, Joseph Gashery and James McClagry Ulster Co. Esquires.

For the County of Dutchess, the Supervisors and Assessors in each Precinct respectively for the Time being.

Dutchess county.

- Orange county. For the County of Orange as follows; for Haverstraw Precinct David Pye Esquire; for Orange Town John Perry Esquire; for Goshen Precinct William Ellison Esquire, and for Cornwall Precinct Daniel Coleman Esquire.
- Richmond county. For Richmond County John Micheau and Christian Jacobson Esquires.
- Kings Co. For Kings County, Theodorus Polhemus Esquire.
- Queens Co. For Queens County, Benjamin Townshend and Samuel Clowes Esquires.
- Suffolk Co. For Suffolk County, Colonel William Smith, Samuel Landon and Malby Gelston Esquires.
- Tryon Co. For Tryon County Jellis Fonda and John Frey Esquires.
- Cumberland Co. For Cumberland County the Judges of the Inferior Court of Common Pleas in said County.
- Cortlandt manor, Rykes. For the Manor of Cortlandt and Rykes Patent in the County of West Chester Abraham Purdy and Jeremiah Drake Esquires.
- West Chester borough. For the Borough Town of West Chester the Mayor thereof for the Time being.
- Phillipsburgh manor. For the Manor of Philipsburgh in the County of West Chester, William Davids, Isaac Deane, Israel Underhill, and Gabriel Purdy Esquires.
- Part of West Chester Co. And for the remaining Part of West Chester County Stephen Ward, and John Thomas Junior Esquires.
- Compensation of certain commissioners. *And be it further Enacted by the Authority aforesaid That the Commissioners hereby appointed for the different Districts in the County of Albany, shall be allowed the following Sums for their Trouble and Charge in the execution of the Powers vested in them, that is to say.*
- Rensselaerwyck. To the Commissioner of the District of the Manor of Rensselaerwyck the Sum of five Pounds.
- Livingston manor. To the Commissioner of the District of the Manor of Livingston the Sum of one Pound.
- German Camp. To the Commissioner of the District of the German Camp the Sum of one Pound.
- Proviso, as to rights of cities of New York and Albany. *Provided always, and be it further enacted by the Authority aforesaid, that Nothing in this Act or any Clause or Part thereof shall be construed to abridge or lessen the Rights and Privileges of the Corporations of the Cities of New York and Albany.*

## Chapter LV.

(CHAP. 8, LAWS OF 1775.)

AN ACT to continue an Act entitled "An Act to regulate the Sale of Goods at Public Vendue Auction or Outcry within this Colony."

PASSED the 31st of January 1775.

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That the Act entitled. "An Act to regulate the Sale of Goods at Public Vendue Auction or Outcry within this Colony," passed the twenty sixth Day of February one thousand seven hundred and seventy two, shall be, and hereby is continued, and every Clause

Act of Feb.  
26, 1772,  
continued  
in force to  
Feb. 1, 1780.

Matter and Thing therein contained, enacted to be in full force, until the first Day of February which will be in the Year of our Lord one thousand seven hundred and eighty, and from thence to the End of the then next Session of the General Assembly,

## Chapter LVI.

(CHAP. 4, LAWS OF 1775.)

AN ACT to continue and amend an Act entitled an Act to prevent the Destruction of Fish in the County of Suffolk.

PASSED the 31st of January 1774.

WHEREAS the abovesaid Act passed the Twenty fourth Day of March in the Year of our Lord One thousand seven Hundred and Seventy two has been found in a great Measure to answer the good Purposes thereby Intended and if further continued with some Amendments must prove of great Advantage to the Community, Preamble.

*Be it Enacted by his Honor the Lieutenant Governor, the Council and the General Assembly And it is hereby enacted by the Authority of the same,* That the first enacting Clause in the said Act is hereby repealed and declared null and void, and the following Clause substituted and enacted by the Authority aforesaid instead thereof, That if any Person or Persons shall draw any Sein or Net of any Length whatsoever or set any Sein or Net above six Fathoms in Length from the Fifteenth Day of November to the Fifteenth Day of April in any Year during the Continuance of this Act in any of the Bays, Rivers or Creeks within the County of Suffolk shall for each Offence forfeit the Sum of one Hundred Pounds, And if any Person or Persons shall set any Net whatsoever in Ketchabanuck Channel or within Thirty Rods of the Mouth of said Channel leading into Quantuck Bay or out of said Bay shall forfeit the Sum of Ten Pounds; Or if any Person or Persons shall set any Net or Nets in any other Place in any of the Bays, Rivers or Creeks in the County aforesaid within four Rods of another Net or Nets, and that with Mashers less than three Inches Square shall for each Offence Forfeit the Sum of Five Pounds; Which Forfeitures shall be recovered with Costs of Suit in any Court in this Colony having Cognizance of the same by any Person or Persons who shall sue for the same, the one half of all the Forfeitures shall be paid to the Prosecutor or Prosecutors and the other half to be paid to the Treasurer of the said County to be disposed of by the Supervisors of said County towards defraying the Public Expence of the County, and for want of Estate to levy the same, the Offender or Offenders shall be committed to the common Goal of the County wherein he shall be Convicted there to remain until the Forfeiture or Forfeitures be paid with Cost of Suit. First clause of certain act amended.  
Drawing of nets prohibited.  
Length of nets set, restricted during certain periods.  
Provisions as to Ketchabanuck channel.  
Proviso, as to meshes of nets, etc.  
Forfeitures how recovered and disposed of.

*Be it further Enacted by the same Authority,* That it shall be no legal Objection or Disqualification against any Freeholder or Inhabitant in the said County otherwise lawfully qualified as a Juror or Evidence to serve on any Jury or give Evidence in any Suit or Suits that shall be brought by Virtue of this or the abovesaid Act, notwithstanding the one half of the forfeitures are made payable into the County Treasury and to be disposed of by the Supervisors as aforesaid. Freeholders, etc., not disqualified as jurors, etc.

Act of  
March 24,  
1772, as  
herein  
amended,  
continued  
to April  
15, 1780.

*Be it further Enacted by his Honor the Lieutenant Governor, the Council and the General Assembly, And it is hereby enacted by the Authority of the same, That the abovesaid Act to prevent the Destruction of Fish in the County of Suffolk passed the Twenty fourth Day of March in the Year of our Lord One Thousand seven Hundred and Seventy two, Except the first enacting Clause shall be and is hereby continued and every Clause, Matter and Thing therein contained with this Amendment, enacted to be and remain in full Force to all Intents and Purposes whatsoever until the Fifteenth Day of April which will be in the Year of our Lord one Thousand seven hundred and eighty.*

## Chapter LVII.

(CHAP. 8, LAWS OF 1775.)

**AN ACT for altering the Time of assessing and collecting the Taxes for the Support of a Minister, and the Poor in the City of New York.**

PASSED the 31st of January 1775.

**Preamble.** WHEREAS the Taxes for the support of a Minister in the City of New York and the Poor of the said City, have heretofore been assessed and collected in the Winter Season, which has been found to be inconvenient to the Assessors from the coldness of the Weather; and also inconvenient to the inhabitants in general to pay their taxes at that Time when there is but little circulation of Money and their Family expenses higher than at any other Season of the Year,

Tax for  
support of  
Minister  
and the  
poor,  
when  
assessed  
and col-  
lected.

*Be it therefore Enacted by his Honor the Lieutenant Governor, the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That the Taxes that shall be laid and assessed in the Year of our Lord one thousand seven hundred and seventy six, and in every Year forever thereafter for the Support of a Minister in the City of New York and the Poor of the said City, shall be assessed and made on the first Tuesday in May or within ten Days thereafter in every Year, and shall be collected and paid to the Church Wardens of the said City by the Constables to whom the Tax Rolls shall be delivered on or before the first Day of August next following in every Year; any Act or Acts, Usage or Custom to the contrary in any wise notwithstanding.*

Penalty  
for  
neglect, or  
refusal to  
perform  
duty, by  
certain  
officers.

*And be it further Enacted by the Authority aforesaid, That if any Justice of the Peace, Vestryman or Constable shall neglect refuse or delay to do and perform the Duty herein, he and they so offending shall be liable to, and suffer all such Penalties and Forfeitures, and be liable to be proceeded against in the same Manner as they are now liable to, and may be proceeded against by any Act or Acts of the Legislature of this Colony passed for settling a Minister in the said City, and for raising Money for his Maintenance, and for supporting of the Poor of the said City, or any other Act or Acts respecting the same, for Neglect or Refusal of Duty in their respective Offices.*

How pro-  
ceeded  
against.

## Chapter LVIII.

(CHAP. 6, LAWS OF 1775.)

AN ACT to revive an Act entitled "An Act to prevent Frauds in the Sale of damaged Goods imported into this Colony."

PASSED the 31st of January 1775.

*Be it Enacted by his Honor the Lieutenant Governor, the Council and the General Assembly and it is hereby enacted by the Authority of the same;* That the Act entitled "An Act to prevent Frauds in the Sale of damaged Goods imported into this Colony," passed the first Year of the Reign of his present Majesty, shall be, and hereby is revived, and every Clause, Matter and Thing therein contained, enacted to be and remain in full Force from the passing hereof until the first Day of February which will be in the Year of our Lord one thousand seven hundred and eighty five, and from thence to the End of the then next Session of the General Assembly.

Act of 1st  
George III  
continued  
in force to  
February  
1, 1786.

## Chapter LIX.

(CHAP. 7, LAWS OF 1775.)

AN ACT to impower the Mayor, Recorder and Aldermen of the City of New York or the Major Part of them to order the raising a Sum not exceeding Two Thousand Pounds for the Uses therein mentioned.

PASSED the 31st of January 1775.

WHEREAS the providing a sufficient Number of Watchmen, and Preamble. lighting of Lamps within the City of New York and keeping the public Roads in the said City and County in good repair is convenient and necessary for the Inhabitants and others

*Be it therefore Enacted by his Honor the Lieutenant Governor, the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That the Mayor, Recorder and Aldermen of the City of New York for the Time being, or the Major part of them whereof the Mayor or Recorder to be one, shall have full Power and Authority, and are hereby fully impowered and authorized on the second Tuesday in the Month of February One Thousand seven Hundred and Seventy five or within Twenty Days thereafter to order the raising a Sum not exceeding Two Hundred Pounds by a Tax on the Estates real and personal of all and every the Freeholders, Freemen, Inhabitants, Residents and Sojourners within the City and County of New York for keeping the public Roads in the said City and County in good repair And also a further Sum not exceeding One Thousand eight Hundred Pounds by a Tax on the Estate real and personal of all and every the Freeholders, Freemen, Inhabitants, Residents and Sojourners within the City of New York on the South side of Fresh Water for the payment of so many Watchmen as the Mayor, Aldermen and Commonalty of the City of New York shall think necessary for guarding the City

Authority  
to raise  
£200 for  
repairs of  
public  
roads.

Also, £1,800  
for pay-  
ment of  
watchmen  
and lamp  
service.

Assess-  
ments,  
how made,  
levied and  
Collected.

and for purchasing Oil, providing Lamps and for repairing and attending the Lamps which now are or hereafter may be erected: which Sums above mentioned shall be rated and assessed by the Vestrymen who shall rate and assess the Tax for the Minister and Poor of the said City, the Vestrymen first taking the Oath prescribed to be taken in and by an Act Entitled "An Act to enable the Inhabitants of the City of New York to choose annually two Vestrymen for each respective Ward within the said City," made and passed in the Nineteenth Year of the Reign of his late Majesty King George the second; And the Tax so to be laid shall be collected levied and paid at the same Time as the Tax for the Minister and Poor of the said City hath been accustomed into the Hands of the Church Wardens of the said City for the Time being, who are hereby required and directed to pay the same into the Hands of the Chamberlain of the said City, to be by him paid as shall be directed by Warrant or Warrants of the said Mayor, Aldermen and Commonalty in Common Council convened for the Uses aforesaid.

To whom  
payable.

How dis-  
bursed.

Collec-  
tion fees  
for Con-  
stables.

*And be it further Enacted by the Authority aforesaid, That over and above the Sums of two hundred Pounds and one Thousand eight Hundred Pounds to be levied and paid by Virtue of this Act the Sum of Three Pence in the Pound as a Reward to the Constables for their Trouble, shall be assessed, levied and paid to the respective Constables for collecting and paying the same and no more, according to the true Intent and Meaning of this Act any Thing herein or in any other Act or Acts contained to the contrary hereof in any wise notwithstanding.*

Non-com-  
pliance  
with pro-  
visions of  
this Act,  
how pun-  
ished on  
conviction

*And Be it further Enacted by the Authority aforesaid, That if the said Mayor, Recorder or Aldermen, Church Wardens, Vestrymen or Constables of the said City, who are hereby authorized, impowered and required to take effectual Care that this Act be executed according to the true Intent and Meaning thereof, or any of them shall deny, refuse or delay to perform, execute or comply with all or any of the Powers, Authorities and Duties in this Act given and required to be done and performed by them, or either of them, and thereof shall be lawfully Convicted in any Court of Record in this Colony, he or they so denying, refusing or delaying to perform the Duties as aforesaid shall suffer such pains and Penalties by Fine and Imprisonment as by the Discretion of the Court shall be adjudged.*

Penalty  
for willful  
injury to  
lamps.

*And be it further Enacted by the Authority aforesaid That if any Person or Persons shall wilfully break or damage any of the Lamps whether private or public now erected or hereafter to be erected within the said City, he, she or they so offending shall forfeit the Sum of Twenty Pounds for every Lamp he, she or they shall damage or break as aforesaid to be levied by Warrant or Warrants under the Hands and Seals of two or more of his Majesty's Justices of the Peace for the City and County of New York by Distress and Sale of the Offenders Goods and Chattels, on due conviction made upon the Oath of one or more credible Witness or Witnesses rendering the overplus if any there be to the Owner or Owners: And for want of such Distress the Offender or Offenders shall be imprisoned by Warrant under the Hands and Seals of the said Justices (who are hereby required to issue the same) for the space of Three Months unless the Forfeiture or Forfeitures be sooner paid, which Forfeitures shall be applied towards providing and repairing of Lamps and paying the Watchmen.*

Collection  
thereof,  
how  
enforced.

Imprison-  
ment of  
offenders,  
in certain  
cases.

Forfeit-  
ures re-  
covered;  
how  
applied.

*And be it further Enacted by the Authority aforesaid, That all such* Direction  
of watch-  
men, etc.  
Persons as shall be employed to guard the City and attend the Lamps shall be under the Direction of, and obey such Orders as they shall from Time to Time receive from the Mayor, Aldermen and Commonalty of the said City, any Custom, Law or Usage to the contrary thereof in any wise notwithstanding.

## Chapter LX.

(CHAP. 8, LAWS OF 1775.)

AN ACT to enable the Mayor Recorder Aldermen and Commonalty of the City of Albany for the Time being or the Major Part of them to order the raising a Sum not exceeding one hundred and Sixty Pounds for the Purposes therein mentioned.

PASSED the 31st of January 1775.

WHEREAS the establishing of a regular well constituted Night-Watch, Preamble,  
and lighting of Lamps within the City of Albany, has not only been found convenient, but also necessary for the safety of its Inhabitants and others.

*Be it therefore Enacted by his Honor the Lieutenant Governor, the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That the Mayor Recorder Aldermen and Commonalty of the City of Albany for the Time being or the major Part of them* Authority  
to raise  
£160, for  
payment  
of watch-  
men and  
lighting  
lamps.  
*whereof the Mayor or Recorder to be one, shall have full Power and Authority, and are hereby fully impowered and authorized, at such Time as they shall think convenient on or before the first Day of June one thousand seven hundred and seventy five, to order the raising a Sum not exceeding one hundred and sixty Pounds by a Tax upon the Estates real and personal lying and being within that Part of the said City herein after mentioned of all and every the Freeholders, Freemen Inhabitants Residents and Sojourners living within a half Mile of Hudson's River, and to the North of a West Line drawn from the old Fort, for the Payment of so many Watchmen and lamps, as the Mayor Recorder Aldermen and Commonalty of the said City in Common Council convened shall think necessary for guarding the said City, and lighting the Lamps in the same; which tax so to be laid shall be* Assess-  
ments,  
how made,  
levied and  
collected.  
*rated and assessed by the Assessors who shall rate and Assess the Tax which shall be raised by virtue of an Act of the Governor the Council and the General Assembly of the Colony of New York entitled. "An Act for the better explaining and more effectual putting in Execution an Act of the General Assembly, made in the third Year of the Reign of their late Majesties King William and Queen Mary entitled An Act for defraying the Public and necessary Charge throughout this Province and for maintaining the Poor and preventing Vagabonds," made and passed the nineteenth Day of June one thousand seven hundred and three, the Assessors first taking the Oath prescribed to be taken by the last mentioned Act, and the Tax so to be laid shall be collected levied and paid by the Collector appointed under the Act aforesaid within twenty Days next after he shall have*

To whom payable. received a Warrant for that Purpose and shall pay the same into the Hands of such Persons as the said Mayor Recorder Aldermen and Commonalty in Common Council convened shall appoint, for the Uses aforesaid.

Collection fees. *And be it further Enacted by the Authority aforesaid, That the Collector shall retain in his Hands three Pence in the Pound for every Pound so raised by Virtue of this Act as a Reward for his Trouble in collecting and paying the same, and no more.*

Non-compliance with provisions of act, how punished on conviction. *And be it further Enacted by the Authority aforesaid, That if the said Mayor Recorder Aldermen and Commonalty Assessors or Collector of the said City of Albany who are hereby authorized impowered and required to take effectual Care that this Act be executed according to the true Intent and Meaning thereof, or any of them shall deny refuse or delay to perform execute or comply with all or any of the Powers Authorities and Duties in this Act given and required to be done and performed by them or either of them, and thereof shall be lawfully convicted in any Court of Record in this Colony, he or they so denying refusing or delaying to perform the Duties as aforesaid, shall suffer such Pains and Penalties by Fine and Imprisonment as by the Discretion of the said Court shall be adjudged.*

Collection of assessments, how enforced. *And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall neglect or refuse to pay the several Rates and Assessments wherewith he or they shall be charged by this Act, for or in respect of his and their Goods and Chattels, Lands or Tenements, upon the Demand of the Collector appointed to receive the same, that then it shall and may be lawful to and for such Collector, and he is hereby required on non-payment thereof to distrain upon the Goods and Chattels of the Person or Persons so refusing or neglecting to pay; and the Distress so taken to carry away, and the same to expose to sale within the said City, for the Payment of the Rate or Assessment, and the Overplus, if any be, after paying the charges of taking, carrying away, and exposing the same Distress to sale, to be immediately returned to the Owner or Owners thereof.*

Watchmen, to be under direction of mayor, etc. *And be it further Enacted by the Authority aforesaid, That all such Persons as shall be employed to guard the said City, shall be under the Directions of, and obey such Orders as they shall from Time to Time receive, respecting the Premises, from the Mayor Recorder Aldermen and Commonalty of the said City in Common Council convened, any Law, Usage or Custom to the contrary in any wise notwithstanding.*

## Chapter LXI.

(CHAP. 9, LAWS OF 1775.)

AN ACT for the Payment of the Salaries of the several Officers of this Colony and other Purposes therein mentioned.

PASSED the 1st of April 1775.

Treasurer of Colony directed to make payment: *Be it Enacted by his Honor the Lieutenant Governor, the Council and the General Assembly, And it is hereby Enacted by the Authority of the same, That the Treasurer of this Colony shall and hereby is directed and required to pay,*



Unto his Honor the Lieutenant Governor or the Commander in Chief for the Time being for Administring the Government of this Colony from the seventh Day of April last, to the first Day of September one thousand seven hundred and seventy five after the Rate of Two thousand Pounds per Annum. To Lieutenant-Governor for services.

Unto his said Honor or to the Commander in Chief for the Time being for Fire Wood and Candles for his Majesty's Fort George in the City of New York from the first Day of September One thousand seven hundred and seventy four to the first Day of September One thousand seven hundred and seventy five after the Rate of four Hundred pounds per Annum. Ibid. For Fire wood and Candles.

Unto the Honorable Daniel Horsmanden Esquire as Chief Justice of the Supreme Court of this Colony and for going the Circuits from and to the Time last aforesaid after the Rate of three Hundred pounds per Annum. Daniel Horsmanden, Chief Justice.

Unto the Honorable Robert R. Livingston Esquire one of the Puisne Justices of the Supreme Court of this Colony, and for going the Circuits from and to the Time aforesaid after the Rate of two Hundred Pounds per Annum. Robert R. Livingston, Puisne Justice.

Unto the Honorable George Duncan Ludlow Esquire one other Puisne Justice of the Supreme Court of this Colony and for going the Circuits from and to the Time aforesaid after the Rate of two hundred Pounds per Annum. George D. Ludlow, Puisne Justice.

Unto the Honorable Thomas Jones Esquire the other Puisne Justice of the Supreme Court of this Colony and for going the Circuits from and to the Time aforesaid after the Rate of two Hundred Pounds per Annum. Thomas Jones, Puisne Justice.

Unto such of the said Justices of the Supreme Court of this Colony as may attend the Circuit Courts in the Counties of Tryon, Charlotte, Cumberland and Gloucester the Sum of Fifty Pounds to the Justice or Justices that shall so attend in each or either of the said Counties, and for the Attendance of such Justice or Justices on any special Commission of Oyer and Terminer and General Goal Delivery in either of the said Counties, other than such special Commission, which may be held when the Circuit Courts in the said Counties are held, the further Sum of Fifty Pounds to the Justice or Justices so attending; And for the attendance of such Justice or Justices on such special Commission in the County of Albany the Sum of Thirty Pounds, and for the other Counties in this Colony not already provided for the Sum of Twenty Pounds. Justices of Supreme Court, for attending circuits in certain counties, etc.

Unto the Secretary of this Colony for the Time being, for engrossing and enrolling the Acts of the General Assembly from the first Day of September one thousand seven hundred and Seventy four to the first Day of September one thousand seven hundred and Seventy five after the Rate of Forty Pounds per Annum. Secretary of Colony.

Unto the Clerk of the Council for the Time being for his Services in that Station from and to the Time aforesaid after the Rate of Thirty Pounds per Annum. Clerk of Council.

Unto the Door Keeper of the Council for the Time being for his Services in that Station from and to the Time aforesaid after the Rate of Thirty Pounds per Annum. Door-keeper of Council.

Unto Hugh Gaine for Services performed by him as public Printer of this Colony as per Account the sum of One hundred and Twenty one Pounds, four Shillings and three Pence. Hugh Gaine, public Printer.

Thomas  
Moore,  
John  
Griffiths,  
Gaugers.

Unto Thomas Moore and John Griffiths as Gaugers of Liquor Subject to a Duty within this Colony, or to the Gaugers thereof for the Time being from and to the Time aforesaid after the Rate of Thirty Pounds per Annum unto each of them.

Thomas  
Hill, Jacob  
Roome,  
Henry  
Law, Tide  
Waiters,  
etc.

Unto Thomas Hill, Jacob Roome and Henry Law, Land and Tide Waiters or to the Land and Tide Waiters for the Time being from and to the Time aforesaid after the Rate of Fifty Pounds per Annum unto each of them, for the Time they serve.

Treasurer  
to pay on  
warrant of  
Lieutenant  
Governor.

All which aforesaid several Sums of money shall be paid by the Treasurer on Warrants issued by his Honor the Lieutenant Governor or the Commander in Chief for the Time being, by and with the Advice and Consent of his Majesty's Council of this Colony; And the Receipts of the several Persons endorsed on the said Warrants shall be to the Treasurer good Vouchers and Discharges for so much as shall be thereby acknowledged to be received.

Receipts  
thereon,  
to be  
vouchers.

Treasurer  
to pay cer-  
tain allow-  
ances.

*And be it further Enacted by the Authority aforesaid, That the Treasurer shall be and hereby is directed and required to pay the several Allowances following to wit*

To Abra-  
ham Lott,  
Treasurer  
of Colony.

Unto Abraham Lott Esquire Treasurer of this Colony, or to the Treasurer for the Time being for his Services in that Station from the first Day of September One Thousand seven Hundred and Seventy four to the first Day of September one Thousand seven Hundred and seventy five after the Rate of two Hundred Pounds per Annum.

Ibid. For  
extraor-  
dinary  
services.

Unto the said Treasurer, or to the Treasurer for the Time being, for the extraordinary Service which he is obliged to perform beyond the usual Duty of his Office after the Rate of the further Sum of One Hundred Pounds per Annum.

Edmund  
Burke,  
Agent of  
Colony.

Unto Edmund Burke Esquire Agent for this Colony in Great Britain, or to the Agent for the Time being, from and to the Time aforesaid after the Rate of Five Hundred Pounds per Annum.

Ibid. For  
contin-  
gent  
charges.

Unto the said Edmund Burke Esquire for the contingent Charges he has been at the further Sum of One Hundred and Forty Pounds. Which said Sums shall be paid unto him the said Edmund Burke by an Order of the General Assembly of this Colony, signed by the Speaker for the Time being and not otherwise.

John  
Tabor  
Kempe,  
Attorney  
General.

Unto John Tabor Kempe Esquire for extraordinary Services performed by him as Attorney General of this Colony from and to the Time aforesaid, after the Rate of one Hundred and Fifty Pounds per Annum.

Richard  
Morris.

Unto Richard Morris Esquire for his Services in going the Circuits, and attending thereon for the Trial of Criminals from the Nineteenth Day of March one thousand seven Hundred and seventy four to the first Day of September one thousand seven Hundred and Seventy five after the Rate of One Hundred and Fifty Pounds per Annum.

Edmund  
Seaman,  
Clerk to  
General  
Assembly.

Unto Edmund Seaman Esquire as Clerk to the General Assembly for his Services in that Station from the first Day of September one Thousand seven hundred and Seventy four to the first Day of September One thousand seven Hundred and Seventy five Twenty Shillings per Diem payable upon a Certificate from the General Assembly signed by the Speaker for the Number of Days he has or may serve the General Assembly.

Ibid. For  
disburse-  
ments.

Unto the said Edmund Seaman for sundry Disbursements by him made for the Use of the General Assembly the Sum of Forty Pounds.

Gerard  
Bancker  
assistant  
Clerk.

Unto Gerard Bancker as Assistant Clerk to the General Assembly for his Services in that Station from and to the Time aforesaid Twenty Shillings per Diem payable upon a Certificate from the General

Assembly signed by the Speaker for the Number of Days he has or may serve the General Assembly.

Unto the said Gerard Bancker for Services performed by him for the Use of the General Assembly and Disbursements the Sum of Fifty one Pounds and Eight Shillings. Ibid. For disbursements, etc.

Unto William Scott Serjeant at Arms to the General Assembly for his Services in that Station from and to the Time last aforesaid Eight Shillings per Diem payable upon a Certificate from the General Assembly signed by the Speaker for the Number of Days he has or may serve the General Assembly. Wm. Scott, Serjeant-at-arms.

Unto the Widow of Alexander Lamb deceased late Door Keeper of the General Assembly, for his Services in that Station from the beginning of the present Session until the Ninth Day of March one Thousand seven Hundred and Seventy five, Six Shillings per Diem payable upon a Certificate from the General Assembly signed by the Speaker for the Number of Days he has served the General Assembly. Mrs. Alexander Lamb.

Unto the said widow of Alexander Lamb for Fire Wood and sundry Necessaries provided by the said Alexander Lamb for the use of his Majesty's Council and the General Assembly the Sum of Sixty five Pounds. Ibid. For sundry necessities, etc.

Unto John Johnson the present Door Keeper to the General Assembly for his services in that Station from the Ninth Day of March one thousand seven Hundred and Seventy five to the first Day of September following Eight Shillings per Diem payable upon a Certificate from the General Assembly signed by the Speaker for the Number of Days he has or may serve the General Assembly. John Johnson, Door-keeper of Assembly.

Unto John Martin as Gunner and Keeper of the Colony Stores for his Services in that Station from the first day of September one Thousand seven Hundred and seventy four to the first Day of September one thousand seven hundred and seventy five Twenty Pounds per Annum. John Martin, Store-keeper, etc.

Unto the Honorable James Jauncey Junior Esquire Master of the Rolls for this Colony for his Services in that Station from the Twenty fourth Day of March One Thousand seven Hundred and Seventy four to the first Day of September one thousand seven hundred and Seventy five after the Rate of Two Hundred and Fifty Pounds per Annum. James Jauncey Master of Rolls.

Unto his Excellency William Tryon Esquire or his Order for money paid by him to Theophilus Hardenbrook for Repairs in Fort George the Sum of Sixty four Pounds, Sixteen Shillings and four Pence. Fort George, repairs of.

Unto Gerard Bancker a Sum not exceeding Forty Pounds to be by him laid out in repairing the Secretaries Office. Gerard Bancker.

Unto Joseph Cox for lodging one of the Commissioners appointed to settle the Boundary Line between this Colony and the Province of New Jersey in the Year One Thousand seven Hundred and sixty nine the Sum of Eleven Pounds three Shillings and three Pence. Joseph Cox, for lodging furnished.

Unto John Van Dalsam for Repairs done to the Battery as per his Account the Sum of Thirty three Pounds Eight Shillings and two Pence. John Van Dalsam.

Unto Theophilus Hardenbrook for Repairs done on the Battery and the Garden at Fort George as per his Account the Sum of nine Pounds eleven Shillings and one Penny. Theophilus Hardenbrook.

Unto Joshua Root and Abijah Rood of the County of Albany for their Expences and Loss of Time in assisting an Officer in the Service of this Government in executing a Warrant issued by the Judges of the Supreme Court the Sum of Ninety Pounds. Joshua Root, Abijah Rood, for assisting officer.

Robert  
Yates,  
Surveyor  
Mass.  
Boundary.

Unto Robert Yates Esquire in full of his Account of Expences and Services in assisting as a Surveyor to the late Commissioners appointed for settling the Boundary Line between this Colony and the Province of the Massachusetts Bay the Sum of Thirty six Pounds, sixteen Shillings and eleven Pence.

Samuel  
Holland,  
services  
Penn.  
Boundary.

Unto Samuel Holland Esquire for his Services on the Part of this Colony in Conjunction with Mr. Rittenhouse on the Part of Pennsylvania in fixing the beginning of the Forty third Degree of Latitude upon the River Delaware as per Account the Sum of Two Hundred and two Pounds, Thirteen Shillings and six Pence.

John  
Collins,  
Quebec  
Boundary.

Unto John Collins for completing the extension of the Boundary Line between this Colony and the Province of Quebec to Lake St. Francois agreeable to a Resolution of this House the Sixteenth of March last the Sum of Eighty five Pounds.

Samuel  
Gale, Wm.  
Wickham,  
New  
Jersey  
Boundary.

Unto Samuel Gale and William Wickham Esquires for running the Partition Line between the Province of New York and New Jersey the Sum of one Hundred and sixty nine Pounds, Fifteen Shillings and seven Pence.

New York  
City Hos-  
pital, to  
aid in re-  
building.

Unto the Governors of the Society of the Hospital of the City of New York in America the Sum of Four Thousand Pounds for rebuilding the said Hospital lately consumed by Fire; Instituted for the Reception and Relief of Poor, Sick and Indigent Persons in this Colony.

Contingencies  
and extra-  
ordinary  
emergen-  
cies, allow-  
ance for.

*And be it further Enacted by the Authority aforesaid, That for Answering the Expences of Contingencies and extraordinary Emergencies that have or may happen for the Services of this Colony from the first Day of September one Thousand seven Hundred and Seventy four to the first Day of September one thousand seven Hundred and Seventy five, Warrants may issue for the same on the Treasurer from Time to Time, if drawn by his Honor the Lieutenant Governor or Commander in Chief for the Time being with the Advice and Consent of his Majesty's Council, which the Treasurer is hereby ordered and directed to pay, Provided the Amount of the said Warrants, does not exceed the Sum of one Hundred Pounds during that Time.*

Warrants,  
how drawn  
therefor.

Funds  
from  
which ap-  
propriations  
are  
payable.

All which aforesaid several Sums shall be paid by the Treasurer out of the Monies arisen or which may arise by Virtue of the Act entitled "An Act further to continue an Act entitled an Act for granting to his Majesty the several Duties and Impositions on Goods Wares and Merchandizes imported into this Colony therein mentioned." The Act entitled "an Act to continue an Act entitled An Act to regulate the Sale of Goods at Public Vendue, Auction or Outcry within this Colony." And the Act entitled "An Act to revive an Act entitled An Act to restrain Hawkers and Pedlars within this Colony from selling without Licence with an Addition thereto."

Certain  
Balances  
under for-  
mer acts,  
in Treas-  
urer's  
hands set  
apart for  
support of  
Govern-  
ment.

*And be it Enacted by the Authority aforesaid, That the Treasurer of this Colony is hereby directed and required to place the following Balances in his Hands due to this Colony as per his Accounts delivered in, to the General Assembly this present Session to the account of the Fund for Support of Government to wit the Ballance of one thousand and Eighty one Pounds, fifteen Shillings and nine Pence half Penny on the Act of the Twentieth day of October one thousand seven Hundred and Sixty four for cancelling Fifty nine Thousand two Hundred and fifty Pounds. The Ballance of Twenty five Pounds, ten Shillings and eleven pence Farthing on the Act of the fourth Day of July one thousand seven Hundred and Fifty three for paying the Debts of the Colony; The Ballance of one Hundred and Ninety*

five Pounds, thirteen Shillings and one penny half penny on the Act of the third Day of June one Thousand seven Hundred and Fifty eight for paying the Debts of the Colony; the Ballance of two Hundred and Thirty six Pounds, one Shilling and six Pence on the Act of the Tenth Day of June one thousand seven Hundred and Sixty for paying the Debts of the Colony; the Ballance of Twelve Pounds on the Act of the Twentieth Day of October one Thousand seven Hundred and sixty four for paying the Debts of the Colony, and the Ballance of Fifty four Pounds on the Act of the third Day of June one Thousand seven Hundred and Fifty nine for granting one Hundred and fifty Thousand Pounds to General Amherst and also the Sum of Three Hundred and two Pounds, Eighteen Shillings and nine Pence put into his Hands by the Honorable John Cruger Esquire Commissary and Paymaster to the Troops in the last War, And also the Sum of Eighty one Pounds received from Paul Micheau Esquire of Richmond County being money taken out of the Treasury in the late Treasurer's Time to encourage a Linen Manufactory in the said County, and the said Treasurer is hereby also directed and required to place the following Ballances due to himself as per the said Accounts to the said Fund for support of Government *to wit*, the Ballance of Three thousand five Hundred and Thirty eight Pounds nine Shillings and three Pence three farthings on the Act of the Eleventh Day of December one thousand seven Hundred and sixty two for settling the Boundary Line between this Colony and New Jersey the Ballance of two Pounds, eleven Shillings and nine Pence on the Act of the Twentieth Day of December one Thousand seven Hundred and Sixty three for granting a Bounty on Hemp and the Ballance of Five Thousand Pounds on the Act of the Ninth day of March one Thousand seven Hundred and seventy four for granting that Sum to his Excellency Governor Tryon as a Compensation in some Measure for the Losses he sustained by the Fire in Fort George; and the said Treasurer is also hereby directed to place the Sum of Fifteen Hundred Pounds due to himself on an Act of the Twenty first Day of December one Thousand seven Hundred and sixty seven for granting that Sum for supplying the Kings Troops with Necessaries to the Interest of the Loan Office money of the Year one Thousand seven Hundred and seventy one.

*Provided always*, That Nothing in this Clause contained shall be construed to deprive any Person or Persons from receiving their Debts due from the Colony and provided for by the four different Acts passed for the Purpose of paying sundry Debts due from the Colony, the Ballances whereof are directed by this Clause to be placed to the Account of the Fund for Support of Government; but that the Treasurer shall nevertheless pay the said Debts in the same Manner as if this Clause had never been passed, and when paid to charge them to the Account of the Fund for Support of Government, any Law, Usage, or Custom to the contrary notwithstanding.

*And be it Enacted by the Authority aforesaid*, That the Treasurer shall and hereby is directed and required to keep exact Books of the several Payments which he is directed to make by this Act; and shall render true and distinct Accounts thereof upon Oath to his Honor the Lieutenant Governor, or the Commander in Chief for the Time being, the Council or the General Assembly when by them or any of them, he shall be thereunto required.

Debts of the Colony, proviso as to payment of.

Treasurer to account for payments under this act.

## Chapter LXII.

(CHAP. 10, LAWS OF 1775.)

## AN ACT for the better regulating the Militia of the Colony of New York.

PASSED the 1st of April-1775.

**Preamble.** WHEREAS a due and proper regulation of the Militia of this Colony tends not only to the Security and Defence thereof, but likewise to the Honor and Service of his Majesty,

**Persons from 16 to 50 years of age, liable to military duty.** *Be it therefore Enacted by his Honor the Lieutenant Governor, the Council and the General Assembly And it is hereby Enacted by the Authority of the same,* That from and after the First Day of May next every Person from Sixteen to Fifty Years of Age, residing within this Colony not already inlisted shall within one Month after he Arrives at the Age of Sixteen, and every Sojourner above the same Age having resided within this Colony above three Months shall inlist himself with the Captain, or in his Absence with the next Commanding Officer either in the Troop of Horse or Independant Companies in the City or County, or in such Company of Foot where he dwells or resides under the Penalty of Five Shillings, and Three Shillings for every Month that such Person shall remain unlisted, and all Captains of Troops of Horse and Companies of Foot in the several Cities, Manors, Boroughs, Townships, Precincts or District within this Colony are hereby commanded to take due Care to inlist all Inhabitants and Sojourners from Sixteen to Fifty Years of Age not already inlisted, which Age in Case of doubt is to be proved by the Oath of the Person whose Age is in question or the Oath of his Parent, or some other credible Witness to be taken by the Officer before whom the dispute shall happen to be, who shall administer the same in the words following I A. B. do Swear upon the Holy Evangelists of Almighty God, that C. D. Summoned before Captain E. F. in order to be inlisted is

**Inlistment directed.**

**Penalty for not inlisting.**

**Captains of Horse and Foot Companies, duties of, as to inlistments.**

**Age, how proven.**

**Form of Oath as to age.**

**Oath, by whom administered.**

**Captains to provide Music and Banners for companies.**

**Annual inlistment, of persons liable to military duty.**

**Duty of Commanding officers, etc., to make necessary inquiry.**

Years old and no more, according to the best of my Knowledge so help me God, which Oath being duly Administred by the Captain or other Officer who hath Summoned such Person before him in order to be inlisted, and it appearing that he is under Sixteen he shall be for that Time dismissed, and if any dispute shall arise about Elder Persons and it appearing that he or they are above the Age of Fifty such Persons shall be exempted at all Times thereafter.

*And be it Enacted by the Authority aforesaid,* That all Captains of Troops of Horse and Companies of Foot shall within Three Months from the Commencement of this Act, provide for their Troops and Companies Trumpets and Drums, Colours and Banners and Drummers and Trumpeters at the proper Charge of the respective Captains of Troops and Companies under the Penalty of Three Pounds, and for every Month such Captain shall remain unprovided thereof, the Sum of Two Pounds.

*Be it Enacted by the same Authority,* That the Colonels or Commanding Officers of all Regiments or Battalions, Troops or unregimented Companies within this Colony shall at least once in every Year issue out their Warrants to their inferior Officers commanding him or them to make diligent Search and Inquiry in their several Precincts or Districts, that all Persons be duly Listed, Armed and Equipped, and to return to them the Names of such Defaulters, as he or they shall find, to the End they may be punished according to this Act.

And be it further Enacted by the Authority aforesaid, That once in every Year and no more command be given by the Colonel, and in his Absence, by the next Commanding Officer of the respective Regiments or Battalions that the several Companies in each Regiment or Battalion shall meet at the most convenient Place therein to be appointed by the respective Officer commanding the Regiment or Battalion and the Captains or next Commanding Officers of the several Troops of Horse and Independent Companies of the several Cities and Counties shall meet twice in every Year at the most convenient Places therein to be appointed by the respective Officers commanding the Troop of Horse or Independent Company to be then and there mustered and Exercised, And that every Soldier belonging to the Horse shall at the Time and Place commanded appear and be provided with a good serviceable Horse not less than Fourteen Hands high covered with a good Saddle, Houlsters, Housing, Breast Plate and Crupper, a Case of good Pistols a good Sword or Hanger Belt and Cartridge Box, Twelve Cartridges of Gun Powder and Twelve sizeable Bullets, a pair of Boots with suitable Spurs and a Carabide well fixed with a good Belt, Swivel and Bucket under the Penalty of Ten Shillings for the want of a sizeable Horse, and the Penalty of Five Shillings for want of each or either of the Articles of the Troopers Furniture; And the Troopers of the City and County of New York shall be clothed with a blue Coat and Breeches with yellow metal Buttons and a scarlet Waistcoat, and their Hats laced with Gold Lace, And the Troopers for the City and County of Albany shall be clothed with blue Coats with white metal Buttons and their Hats laced with Silver Lace and the Troopers of Kings County shall be clothed with blue Coats and red Jackets and their Hats laced with Silver Lace under the Penalty of Five Shillings for the want of each Article of such Cloathing, the whole Penalty on a Trooper for the Defaults of one Day not to exceed the Sum of Forty Shillings, And every Captain of a regimented Company who shall fail to appear as directed by this Act or appearing fail or neglect to exercise the Company under his Command as directed by the Commanding Officer there present every such Captain for every such Default or Neglect shall forfeit the Sum of Five Pounds, and every Lieutenant, Cornet or Ensign who shall not appear at such Times, or appearing shall not perform his Duty shall forfeit and pay the Sum of Three Pounds.

Military companies to be mustered and exercised once a year.

Troops of Horse, &c., to muster twice a year.

Troops of Horse, how equipped.

Penalty for non-compliance.

Troopers in New York City, how clothed.

Penalty for non-compliance.

Penalties for default or neglect by Captains and Company officers.

And be it Enacted by the Authority aforesaid, that once in every Year and not oftner command be given by the Captain and in his Absence by the next commanding Officer of the respective Companies in each Regiment or Battalion of the several Cities, Counties and Manors of this Colony, that the Company under his Command shall meet at some place within his District to be appointed by the said Officer to be then and there mustered and Exercised.

Every Company, to be mustered once each year.

And be it Provided and Enacted by the same Authority, That in Case of a General alarm or Invasion all Unregimented or Independant Companies and Troops shall in the Absence of the Captain General or Commander in Chief be under the immediate Command and Direction of the Colonel, and in his Absence the next Commanding Officer of the Regiment or Battalion of the City, County or District where such Unregimented or Independant Companies or Troops are or may be, any Thing herein to the contrary notwithstanding.

Independent companies, to be under direction of Colonel, in time of Invasion, &c.

And be it further Enacted by the Authority aforesaid, That the Number of the Troopers in each Company in the City and County of Albany shall be Sixty besides Officers, and the Number of all other Troops in

Number of Troop in ea Compa...

the Colony and in Every Troop besides Officers, and for a constant supply of Troopers in each City and County within this Colony, where Troops of Horse are or shall be, whenever it shall happen by Death or otherwise that there is fewer Troopers in Number than are required by this Act, and the same cannot be supplied by Volunteers, That then the Captain of such Troop shall under his Hand certify to the next Colonel of the Regiment of Foot or Battalion or in his Absence to the next Commanding Officer in the City or County where such want shall happen how many Troopers are wanting in his List of the Troop under his Command, and thereupon the said Colonel or next Commanding Officer of such Regiment or Battalion shall nominate out of the same, the Number that shall be so wanting as aforesaid, provided that each Person or Persons so nominated by the said Colonel or next Commanding Officer be not under the Age of Twenty one Years, nor above Ten Miles distant from the Place of the Captains Abode, Upon which Nomination the Person or Persons so nominated shall within the Space of Three Months equip themselves as is hereby directed, And every Trooper that shall be so nominated to serve in any of the Troops and refusing to equip himself and serve, he shall for such Offences forfeit the Sum of Five Pounds, and upon Payment thereof shall not be liable to any other or further Forfeiture for any Offences respecting the Troop, but shall nevertheless be Subject to serve in the Foot Service, as if no such nomination had ever been made And if Troopers enlisted in manner as aforesaid refusing or neglecting to appear shall for every such Offence, forfeit the Sum of Ten Shillings for the first Default in not appearing, for the second Default the Sum of Fifteen Shillings and for every Default after the second the Sum of Twenty Shillings until he doth appear; and every Trooper or Soldier belonging to the Horse, shall always have at his Habitation or place of abode, one Pound of Gun Powder and Three Pounds of sizeable Bullets on Penalty of Ten Shillings for every Default.

And be it Enacted by the Authority aforesaid that the Companies of Cavalry, and blue Artillery in the City of New York and Company of Cavalry in Queens County are to consist each of One hundred Men besides Officers And if the Colonel of the Regiment of the said City or County or in his Absence the next Commanding Officer thereof doth suspect that the Captain or Captains of the said Companies have enlisted a greater Number than is limited above, the Captain of the Company so suspected, shall be obliged within Fourteen Days after Notice, to deliver to the Captain General or Commander in Chief a true and compleat Roll of the Name and Names of all the Persons, he or they have on his or their List; And if it thereby appears, that more are enlisted than the Number above mentioned all such Supernumerary Men are immediately to be discharged out of such List, and the Captain is to give a List of their Names to the Colonel, or next Commanding Officer aforesaid, and the Person and Persons so discharged shall within Fourteen Days thereafter enlist him or themselves in one of the Foot Companies of the said Regiment, and such of the Persons so discharged as shall omit to enlist themselves accordingly shall be subject to the Fines inflicted in this Act, on Persons omitting or neglecting to enlist in the Militia.

And be it also Enacted by the Authority aforesaid, That every Foot Soldier in any of the Regiments or Battalions or Independant Companies of Foot in this Colony shall be provided with a good well fixed Musket or Fuzee a good Sword, Belt and Cartridge Box, Six Car-



tridges of Gun Powder and Six sizeable Bullets and so provided shall appear when and where required as aforesaid upon Penalty of Five Shillings for each Musket or Fuzee not well fixed, and for want of a sufficient Sword, Belt or Cartridge Box shall forfeit One Shilling, and the same for want of each Cartridge or Bullet, the whole Penalty for the Default of one Person for one Day not to exceed Ten Shillings, and the sufficiency of the Musket or Fuzee, Sword, Belt and Cartridge Box to be judged of and determined by the Commanding Officer then present, and every Foot Soldier shall at his Habitation or Place of Abode, have one Pound of good Gun Powder, and three Pounds of sizeable Bullets, upon Penalty of Ten Shillings, for each Soldier of Foot; And if any Soldier of Foot or Horse shall refuse to shew to his Captain, or Person sent by him, or other Officer for that Purpose by this Act appointed all or any of the equipage, Furniture or Ammunition herein mentioned, he shall be deemed and esteemed to be unprovided thereof and shall be fined accordingly.

Penalties for defaults.

Foot Soldiers, to keep certain ammunition at residence.

Proviso.

And be it Enacted by the Authority aforesaid, That upon Notice given of a general Muster, or of the Review or Appearance in the Field of any particular Troop or Troops. Company or Companies no Person whatsoever enlisted in Horse or Foot in Manner aforesaid shall absent or withdraw himself from that Service without having first acquainted his Captain and in his absence, the next Commanding Officer therewith and without his leave or Authority so to do, under the Penalty of Ten Shillings, and no Commission Officer shall remove himself out of Town, or withdraw from the Service without Leave from his Superior Officer, under the Penalty of Twenty Shillings, And no Serjeant, Corporal or Drummer whether of Horse or Foot shall absent themselves in manner aforesaid, under the Penalty of Twenty Shillings.

No enlisted person, to absent himself, without leave, from muster.

Ibid. As to commissioned officers, etc.

And be it further Enacted by the same Authority That if any Person or Persons being duly enlisted if thereunto required by their Superior and proper Officer, shall refuse to warn the People to appear under Arms when thereunto required by his Captain or next Commanding Officer, he shall for every such Neglect or refusal forfeit the Sum of Twenty Shillings.

Penalty, for refusal to warn people to appear under arms, etc.

And be it further Enacted by the same Authority That every Soldier enlisted to serve either in Horse or Foot, and appearing under Arms, and during such Appearance shall refuse or neglect to perform such Military Duty as shall be required from him, or shall depart from his Colours or Guard without Leave from the Commanding Officer, he shall forfeit the Sum of Twenty Shillings; and for non payment thereof shall be committed by Warrant from the Commanding Officer there present to the next Goal till the said Twenty Shillings be paid with the Prison Charges; and the Sheriff of each City and County is hereby empowered and required to receive the Body or Bodies of such Offender or Offenders against this Act, as shall be brought to him by Virtue of a Warrant or Warrants under the Hand and Seal of such Officer as aforesaid and him or them to keep in safe Custody until such Fees and Fine mentioned in such Warrant are paid, And it is hereby declared that such Sheriffs or Keepers of Goals shall in such Cases as aforesaid, be intitled to the same Fees, as are allowed in all other Cases, and the Fines so recovered shall be disposed of by the Commanding Officer for the Benefit of the Company to which the Offender doth belong.

Penalty for disobedience of military orders, etc., by Soldiers.

Payment to be enforced by imprisonment, etc.

Duty of Sheriffs.

Fines recovered how disposed of.

And be it Enacted by the Authority aforesaid That the several other Fines, Penalties and Forfeitures in this Act mentioned, shall be

That all  
such  
Persons  
shall be  
liable to  
distress  
and sale  
of their  
Goods  
and  
Chattel  
as aforesaid

arrest, recovered and disposed of as followeth that is to say That all such Persons as do relate to any Person under the Degree of a Captain shall be adjudged by and be taken to the respective Captains to satisfy the Charges of their Troops and Companies, and to be arrested before the next exercising Day by Distress and Sale of the Offenders Goods by the Captains Warrant directed to the Serjeant or Corporal of the Company wherein such Offence was committed. But if the Offender be a Servant or under his Parents Care, then in such Case, the Masters or Parents Goods shall be liable to such Distress and Sale as aforesaid till Satisfaction be made, and if any Serjeant or Corporal shall refuse to execute such Warrant to him directed he shall for every such Offence forfeit for the uses above mentioned, the Sum of Forty Shillings to be levied in Manner before expressed by such other Officer, Serjeant or Corporal as such Warrant shall be directed to, and for all other Penalties and Forfeitures in this Act mentioned, the same shall be levied by Distress and Sale of the Offenders Goods by Warrant from the Colonel or the next Field Officer where such Offenders are, which Forfeiture and Penalty shall be for the use and Benefit of the Regiment or Battalion in the City and County where the Offence is committed, and the Serjeants or Corporals of the Regiment or Battalion are to reserve to themselves out of the Distress or Forfeiture the sum of Three Shillings for executing such Warrant from their Captain or other Superior Officer.

And be it  
further  
Enacted  
That

And be it  
further  
Enacted  
That

And be it further Enacted, That all Drummers and Trumpeters lately in Service, or that shall be put in Service by the several Captains during pleasure shall serve upon the Salary of Forty Shillings per annum for a Trumpeter, and Twenty Shillings for a Drummer, finding their Trumpet or Drum; and Twenty Shillings for a Trumpeter and Ten Shillings for a Drummer, if the Captain do provide the Drum or Trumpet, and each Drummer or Trumpeter refusing to serve, to Forfeit Forty Shillings to be levied in Manner aforesaid.

Captains  
Officers  
shall be  
liable to  
distress  
and sale  
of their  
Goods  
and  
Chattel  
as aforesaid

Always Provided, That all the Members of his Majestys Council, Members of the General Assembly and Officers of the same, Justices of the Peace, High Sheriffs, Coroners and other Officers of his Majestys Government and all Persons that have held any Civil or Military Commission in this Colony and all other Officers of Courts, Ministers of the Gospel, Physicians, Surgeons, School-masters, all Firemen within this Colony, One Miller to a Grist Mill, and one Ferryman to every Public Ferry, All Supervisors, One Founder and six Men to every Furnace and six Men to every Forge, all Colliers and their necessary Servants employed in burning of Coal and all bought Servants during their Servitude shall be free from being listed in any Troop or Company within this Colony.

Officers  
shall be  
liable to  
distress  
and sale  
of their  
Goods  
and  
Chattel  
as aforesaid

And be it Enacted by the Authority aforesaid, That no Commission Officer of the Militia of this Colony legally superseded, shall afterwards be obliged to do the Duty of a private Soldier unless he be Casheered for Cowardice or other Misdemeanor, nor shall it be in the Power of any Commission Officer to throw up or quit his Commission unless he is Superseded in his Rank until he has served in Commission Fifteen Years at the least, any Thing in this Act to the contrary thereof notwithstanding.

Provided always, That if any Officer shall die or be removed by the Commander in Chief or shall be Casheered for Cowardice or other Misdemeanor in either of which Cases, if the Officer next in Rank shall refuse to be promoted to the Rank such Officer held he shall nevertheless be obliged to serve in the Rank he holds altho' a Junior

Officer or any other person should be promoted over him. *Provided* Proviso as to rights of Senior officers. always that no Senior Officer shall be obliged to continue to serve in any Regiment of Militia or Independant Company or Troop over whom a Junior Officer or any other person is promoted (unless in the Case before mentioned) and unless by his own Consent.

*Provided also And be it further Enacted by the same Authority,* That in Governor to fill vacancies of officers, by death, etc. Case any Officer or Officers shall die, or be removed, That then the Governor or Commander in Chief for the Time being shall appoint another or others within the same County to serve in his or their Stead.

*And be it Enacted by the Authority aforesaid,* That no Military Commission Officer as well of Foot Companies or Troops of Horse, whether Regimented or Independent, as likewise the Troopers in the City and County of New York and Albany shall be liable or subject to serve as Constable though chosen, any Law or Usage to the contrary notwithstanding. *Provided nevertheless* That a Commission obtained by any Person after he is elected a Constable, shall not entitle him to the exemption above mentioned. Military Officers, not liable to serve as Constables

*And be it Enacted by the Authority aforesaid,* That in Case of any Alarm, Invasion Insurrection or Rebellion, every Officer of the Militia shall have full Power and Authority by Virtue of this Act and is hereby required forthwith to raise the Militia or Company under his Command, and to send immediate Intelligence to the Commanding Officer of the Regiment to which he belongs, who also are hereby required and commanded to send forwards the Intelligence forthwith to the Commanding Officer of the next Adjacent Counties informing him and them at the same Time in what Manner he intends to proceed, and every Commanding Officer in every County, upon any Alarm or receiving Intelligence of any Insurrection, Invasion or Rebellion shall forthwith Dispatch an Express to the Governor or Commander in Chief for the Time being, notifying the Danger, and shall therewith signify the Strength and Motions of the Enemy; Duties of Military Officers, in case of invasion or insurrection.

and the said Commanding Officer hath hereby full Power to impress Boats and Hands, Men and Horses as the Service may require, and shall draw together the Militia of his County or such part thereof as he shall think necessary and March them to such Place or Places as he shall judge most convenient for opposing the Enemy, and to such Place or Places within this Colony, as shall be directed by the Governor or Commander in Chief for the Time being and every Captain or Commission Officer under the degree of Major, that shall neglect or refuse to perform his Duty hereby required shall forfeit the Sum of Twenty Pounds, and every non Commission Officer or private Man for his Neglect or Refusal of such Duty shall forfeit the Sum of Five Pounds, and every Commission Officer, besides paying such Forfeiture, shall be degraded, and rendered incapable thereafter of holding or exercising any Office, Civil or Military within this Colony. Power to impress men, boats, horses, etc.

*And Whereas* the County of Suffolk is so Situated, that a Descent may be made on the Eastern part thereof by Water and the said County being extensive, the remote Parts which are most exposed are generally at a great Distance from the Colonel or Commanding Officer of the Regiment, and consequently the waiting for Orders from the said Commanding Officer may greatly expose such remote Places to the Ravages of small Parties of the Enemy. Penalty for neglect of duty, by certain officers, etc.

*Be it therefore Enacted,* That the Captains or next Commanding Officer of the several and respective Companies within the said County, nearest to any Place where such Descent may happen to be May also be degraded, and rendered incapable to hold civil office, etc.

Special authority to Captains, etc. in Suffolk Co., in case of a Descent.

To every  
Regiment  
of the  
Militia.

made shall immediately call together his or their Company or Companies, and forthwith proceed to use their utmost Endeavours to repel and drive off the Enemy: And on the first Notice of such Descent shall dispatch an Express to the Commanding Officer of the Regiment of the said County with Intelligence thereof, and of the Number and Manner of the Enemy according to the best Information he or they shall have obtained, any Thing herein contained to the contrary notwithstanding.

General  
Law,  
section  
17, which is  
entirely  
in accord  
with this  
Act.

Be it further Enacted by the Authority aforesaid, That if any Person or Persons shall be sued, molested or impleaded for any Matter or Thing lawfully done and commanded in the Execution and Performance of this Act, he or they shall plead the general Issue, and give this Act in Evidence; and if the Plaintiff discontinue his Action, be Nonsuited or Verdict pass against him, the Defendant shall recover treble Costs; nor shall any such Suit or Suits be admitted, or allowed to be brought unless it be done within three Months next after the Offence is committed.

Rolls of  
Regimental  
Companies,  
etc., when  
soever  
presented to  
superior  
Officer.

And be it Enacted by the Authority aforesaid, That once every Year, and oftner if thereunto required each particular Captain shall give to his Colonel or in his Absence to the next Field Officer, and such Field Officer and the Captains of unregimented Troops and Companies to the Captain General or Commander in Chief for the Time being fair written Rolls of their respective Regiments, Troops and Companies, on the Penalty of Forty Shillings for a Field Officer, and Twenty Shillings for an inferior Commanding Officer, and if any Person be wounded or disabled upon any Invasion, Insurrection or Rebellion he shall be taken Care of, and provided for by the Public during the Time of such Disability.

Provision  
for per-  
sons  
wounded  
in Inva-  
sions.  
Place for  
training  
in Orange  
Co., now  
fixed.

And be it further Enacted by the same Authority, That the Majority of the Officers in the Regiment on the South side of the Mountains in Orange County, shall before any Training or Meeting of said Regiment assemble and agree by a Majority of Voices on a convenient Place as near the Center as shall be, for the good of the Public Service; which Place of Training so agreed on and fixed, shall be afterwards notified to the respective Companies by an Instrument under the Hand of such Majority, and read by the Captain or his Order, at the Head of each respective Company.

Persons  
from 50 to  
60 years of  
age, to  
bear arms  
in Inva-  
sions.

Provided always and be it Enacted by the Authority aforesaid, That all Persons above the Age of Fifty, and not exceeding Sixty Years of Age, shall in Case of Alarm, Invasion or Insurrection be obliged to appear under Arms under the Captain, or the Commanding Officer of the District where they dwell or reside, any Thing herein contained to the Contrary thereof in any wise notwithstanding.

Independent  
Com-  
panies of  
Foot in  
New York  
City, to  
form a  
Battalion.  
How often  
called out  
and exer-  
cised.  
With-  
drawals  
without  
discharge,  
not allow-  
ed, with-  
out ap-  
proval.

And be it further Enacted by the Authority aforesaid, That the Independent Companies of Foot in the City and County of New York shall and are hereby formed into a separate and distinct Battalion, and that the Captain of the said Companies shall have Power and Authority to call out and exercise their respective Company with the Approbation of the Governor or Commander in Chief for the Time being as often as they shall think necessary not exceeding once in each Month, and that every Person who shall have enlisted or shall hereafter enlist in the said Companies shall not absent or withdraw himself without a Discharge under the Hand of his respective Captain with the Approbation of the Colonel or other Field Officer commanding the said Battalion under the Penalty of Ten Shillings for each Offence any Law, Usage or Custom to the contrary notwithstanding.

*And be it Enacted by the Authority aforesaid,* That the Captains of the Independent Companies in the City and County of Albany shall have Power and Authority to call out and exercise with the Approbation of his Excellency the Governor or the Commander in Chief for the Time being their Companies as often as they shall think necessary not exceeding once in each Month, and that no Person that has inlisted or hereafter shall voluntarily inlist in any of the said Independent Companies shall absent or withdraw himself without a Discharge from his Captain or the Commanding Officer of the Company any Thing in the said Act contained to the contrary in any wise notwithstanding.

Independent Companies in Albany, how often called out and exercised.

Withdrawals, without discharge, prohibited.

*Be it further Enacted by the same Authority,* That the Colonel or Commanding Officer of the Regiment in Queens County shall and is hereby directed and required to Order the said Regiment to meet at two different Places *Viz*: That Part of the Regiment that is in the Parish of Jamaica at or near the Beaver Pond within the Parish of Jamaica aforesaid, and the other Part of the said Regiment which is in the Parish of Hempstead at or near the House of Samuel Nicols or at or near the House of Jordan Lawrence on the Great Plains in said Parish and at no other Places whatsoever any Thing in this Act or any Law, usage or Custom to the contrary hereof in any wise notwithstanding.

Queens Co. Regiment, two places of meeting of, designated.

*Provided always And be it Enacted by the Authority aforesaid,* That every Person professing himself to be of the People commonly called Quakers and producing to the Captain or Commanding Officer of the Company in whose Beat he resides a Certificate from one of their Monthly Meetings signed by six or more of the Principal People of such Meeting, that such Person had been deemed and allowed one of the People called Quakers for the Space of One whole Year or upwards before the producing such Certificate, such Person so producing such Certificate shall be and is hereby exempted from the ordinary Duties of Training or Mustering unless upon an Alarm, Invasion, Insurrection or Rebellion any Thing herein contained to the contrary thereof in any wise notwithstanding.

Quakers, exempted from training, etc., except in invasion, etc.

*Be it further Enacted by the Authority aforesaid,* That this Act shall be in Force from the first Day of May next until the first Day of May which will be in the year of our Lord one Thousand seven Hundred and Seventy eight.

Act to be in force to May 1, 1778.

## Chapter LXIII.

(CHAP. 11, LAWS OF 1775.)

AN ACT to amend an Act entitled "An Act for the more effectual Prevention of Fires, and for regulating of Buildings in the City of New York."

PASSED the 1st of April 1775.

WHEREAS the said Act has not had its Effect, and it is necessary to that good End, that it be amended and enforced,

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly and it is hereby enacted by the Authority of the same,* That from and after the passing hereof till the first Day of January next, the abovementioned Act entitled, "An Act for the more effectual Prevention of Fires and for regulating of Buildings in the

Certain Act declared suspended to Jan 1, 1778.

City of New York." and every Clause Matter and Thing therein contained shall be and is hereby declared to be suspended any Thing in the said Act to the contrary notwithstanding.

Erection of wooden buildings, authorized North of a certain line, etc.

And be it Enacted by the Authority aforesaid, That it shall be lawful any Thing in the said Act to the contrary notwithstanding, to erect any Building in the said City with Wood or other Materials and cover the same with Shingles or Boards, that shall be situated to the Northward or North Eastward of a Line. Beginning on the Easterly Edge of Hudson's River in the Middle of Partition Street and running South Easterly through the Middle of the said Street, and through the Middle of Fair Street to the Middle of Nassau Street; thence North Easterly through the Middle of Nassau Street until it comes opposite to the Middle of Frankford Street, thence South Easterly through the Middle of Frankford Street till it comes opposite to the Middle of VandeWater Street, thence Easterly through the Middle of VandeWater Street till it comes to the Middle of Queen Street, thence Southerly through the Middle of the same till it comes to the Middle of Saint Georges Square, thence Easterly through the Middle of Cherry Street till it comes opposite to the Middle of Saint James's Slip, thence Southerly through the Middle of the said Slip to the East River, *Provided* such Buildings shall not exceed fourteen Feet in Height from the Level of the Street on which the same is erected, to the Eaves of the Roof, and that the Elevation of such Roof do not exceed one third Part of the Span or Breadth thereof, and that the upper Part thereof be nearly a Flat of at least two equal fifth Parts of the whole Span of such Roof.

Proviso as to height of such buildings, etc.

Provisions as to covering roofs, South of line described herein above.

Provisions as to steeples, cupolas, etc.

Penalty for violating provisions of this Act, by proprietors.

How recovered.

Penalty upon workmen violating act.

How enforced.

Imprisonment, in certain cases.

Forfeitures recovered, how applied.

And be it further Enacted by the same Authority, That any Thing in the said Act to the contrary notwithstanding, it shall be lawful on the Southward and South Westward of the Line above mentioned to cover the Flat of any roof with Boards or Shingles, provided such Flat do not exceed two equal fifth Parts of the Span of such Roof and there be erected around the same Flat a substantial Balcony or Balustrade and a Platform and Steps to the top of every Chimney, and that all Roofs, Coverings of Steeples, Cupolas and Spires of Churches and other Public Buildings may be also made of Boards and Shingles any Thing in the said Act to the contrary hereof in any wise notwithstanding. And if any Dwelling House or other Building whatsoever shall be erected or roofed contrary to the true Intent and Meaning of this Act, the Proprietor or Proprietors thereof shall forfeit and pay for every such Offence the Sum of fifty Pounds, to be sued for and recovered in any Court of Record in this Colony by Bill Complaint or Information, wherein no Essoin Protection or Wager of Law, or any more than one Imparance shall be allowed; And the Workmen who shall build or roof such House or Building contrary to the true Intent and Meaning of this Act, shall each of them forfeit and pay for every such Offence the Sum of five Pounds to be levied by Warrant under the Hands and Seals of two or more of his Majesty's Justices of the Peace of the said City and County of New York by Distress and Sale of the Offenders Goods, upon due Conviction upon Oath or upon the View of one or more of such Justices, rendering the Overplus, if any there be to the Owner or Owners, and for want of such Distress the Offender shall be imprisoned by Warrant from the said two Justices, who are hereby empowered and required to issue such Warrant until Payment as aforesaid, which said Forfeitures shall be paid to the Chamberlain of the said City to be applied by the Mayor Aldermen and Commonalty as a Bounty on Tile made in this Colony, and sold in the City of

New York; and every such Dwelling House or other Building whatsoever so built or roofed contrary to the true Intent and Meaning of this Act, shall be and hereby is adjudged deemed and declared to be a Public Nuisance.

Buildings, erected in violation hereof, a public nuisance.

And Whereas it may be expedient to erect Houses and other Buildings on new made Ground in divers Parts of the said City where no sufficient Foundation can be laid for heavy Edifices of Stone or Brick.

Be it therefore Enacted by the same Authority, That no Person shall incur any Penalty for erecting any Wooden Buildings on such new made Grounds if Previous to the Erection of the same an Inquisition be filed in the Town Clerk's Office, and the Sheriff of the said City and County, and a Jury of at least twelve Freeholders who have had a View of the Place, therein Certify that no sufficient Foundation could be laid in such Place for a Building of Stone or Brick without exposing the Proprietor to the Expence at least of the Sum of one hundred Pounds.

Act, when to apply to wooden buildings on new made ground. Inquisition by Sheriff and Jury thereon.

And to the Intent that every Inquisition to be taken either by virtue of this Act or the Act aforementioned in an Affair of so much Consequence to the Public may be fairly taken.

Be it further Enacted by the same Authority, That the Jurors for every such Inquisition shall be struck from a compleat Book or List of the Freeholders of the said City to be made by the said Sheriff and by order of the Mayor thereof for the Time being, on request to him made for that Purpose, and that the Party applying for Leave to build, may in the Presence of the said Mayor, out of the forty eight Names first struck by the said Mayor from the said Book, strike out twelve Names, and such other indifferent Person as the Mayor shall appoint twelve other Names, until by alternate strikings, there remain twenty four who shall be all summoned by the Sheriff to attend such Inquisition, and as many as attend shall sit thereon provided that no more than twenty three Persons be sworn, and that no such Inquisition shall be valid, unless it be found by at least twelve of the Jurors chosen and summoned as aforesaid.

Manner of Inquisition, by "struck" jurors.

Inquisition to be valid, if found by 12 Jurors.

And be it further Enacted by the Authority aforesaid, That every Proprietor or Proprietors of such Ground so inspected as aforesaid, shall pay and satisfy unto the Sheriff for summoning such Jury and taking such Inquest the Sum of forty Shillings.

Sheriff's fees.

And be it further Enacted by the same Authority, That every Building erected or made contrary to this or the Act aforesaid, shall be indictable as a Public Nuisance and be so judged, and that the Judges of the Supreme Court shall in every subsequent Term charge the Grand Jury to cause diligent Enquiry to be made of all such Offences, and all the Offenders presented, that they may be prosecuted and punished by Fine and Imprisonment according to the Nature of the Offence, and after the Conviction of any Proprietor or Proprietors of the Soil in a due Course of the Law for erecting any Building contrary to this or the aforementioned Act, the Owner or Owners thereof as long as the same Conviction shall remain unreversed, and the same Nuisance continue; shall in every Assessment for Taxes in the said City and County be liable to pay double the Sum for which such House or Building would have been taxable if this Law had not been made, and such double Tax shall by the Assessors be imposed thereon accordingly, and be recoverable as the single Tax may be over and above all other Forfeitures and Penalties incurred for erecting the Same contrary to this and the Act aforesaid or either of them.

Buildings, erected contrary to this Act, how indictable.

Judges of Supreme Court, to charge Grand Jury to inquire, etc.

Buildings erected contrary to Act, liable to double tax.

Duty of certain Aldermen to report as to buildings erected, to Supreme Court.

Penalty for non-compliance here-with.

Fine recovered, how applied.

Act, how applicable

*And be it also Enacted by the same Authority, That the Aldermen of all the several Wards of the said City except the Out-Ward shall respectively present to one of the Judges of the Supreme Court five Days before the first Day of every Term a List of every Building erected in their respective Wards since the last Term, to the Intent that the same may be delivered to the Grand Jury, and in Default thereof without sufficient Excuse to be assigned to the said Court (concerning which the Judges shall inquire in a summary way,) they shall impose a Fine adequate to the Offence and cause the same to be levied as in Cases of Contempt of any Rule or Order of the said Court together with reasonable Costs to the Officers of the said Court, which said Fine shall by the Clerk of the said Court be paid to the Overseers of the Poor, for the use of the Poor of the said City.*

*Provided always* that nothing herein contained shall be construed to affect any Thing done before the passing hereof.

## Chapter LXIX.\*

(CHAP. 17, LAWS OF 1775.)

AN ACT to regulate the Pilots and establish their Pilotage between Sandy Hook and the Port of New York and other Purposes therein mentioned

PASSED the 1st April 1775.

Preamble.

WHEREAS the subjecting the Pilots of the Port of New York to proper Regulations, tends greatly to the Safety and Convenience of the Navigation to and from the said Port,

Governor to appoint a Master and Wardens of Port of New York.

Also Branch Pilots. Qualifications of Branch Pilots and Deputies, how certified.

Penalty for acting in violation hereof

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly and it is hereby enacted by the Authority of the same, That it shall and may be lawful for the Governor or Commander in Chief of this Colony for the Time being, by and with the Advice and Consent of his Majesty's Council to appoint one fit and proper Person to be Master, and three or more fit and proper Persons to be Wardens of the said Port of New York who shall be called by the Name of the Master and Wardens of the Port of New York; and in like Manner to appoint and commissionate a sufficient Number of Persons to be Branch-Pilots for the said Port, who shall be and are hereby impowered to appoint each one Deputy under him, Provided that no Person shall hereafter be commissioned as a Branch-Pilot, or appointed a Deputy-Pilot, until he shall have been examined before, and obtained a Certificate from the Master and Wardens of the said Port, or any three or more of them under their Hands and Seals, of his being duly qualified for such Office; and if any Person not so commissioned or appointed shall Pilot any Ship or other Vessel going into or out of the said Port from or to Sandy Hook when a Branch or Deputy Pilot offers, such Person shall forfeit and pay the Sum of five Pounds.*

*And be it Enacted by the Authority aforesaid, That if any Branch Pilot or his Deputy shall neglect or refuse to give all the Aid and Assist-*

\* Chapters LXIV, LXV, LXVI, LXVII and LXVIII, missing. See note appended to chapter LIII, at page 86 herein.



ance in his Power to any Ship or other Vessel appearing in Distress on the Coast or in want of a Pilot, such Branch-Pilot or Deputy, if the Governor or Commander in Chief with the Advice and Consent of his Majesty's Council shall think fit, shall forfeit his Branch or Deputation, or be fined at the Discretion of the Master and Wardens aforesaid or any three or more of them, not less than the Sum of ten Pounds, nor more than the Sum of twenty Pounds; which said Master and Wardens or any three or more of them are hereby impowered to impose such Fine, and also to make such prudential Rules and Orders (to be approved of by the Governor or Commander in Chief for the Time being with the Advice and Consent of the Council,) for the better regulating the said Pilots, as they shall judge necessary and expedient, and to impose and lay any Fine for the Breach of such Rules and Orders not less than the Sum of ten Pounds, nor more than the Sum of twenty Pounds; And as a Reward for such Branch Pilots, or their Deputies who shall be the most active and ready to give all the Aid and Assistance in their Power to any Ship or other Vessel appearing in Distress or in want of a Pilot on the Coast, the Master or Owner of such Ship or other Vessel shall pay unto every Branch-Pilot or Deputy who shall give his Aid and Assistance in Manner aforesaid, such reasonable Sum for all extra Services and Assistance as the Master or Owner of such Vessel and the Pilot or Deputy shall agree upon, and in Case no Sum can be agreed upon by them, then the Master and Wardens shall fix and ascertain what to them appears a reasonable Compensation and Reward for such Services.

Pilots failing to assist ships in distress, may be removed from office, or fined.

Rules and orders for regulation of Pilots.

How rewarded for assisting ships in distress.

And to the End such Pilots may have due Encouragement to attend and perform such Services. *Be it Enacted by the Authority aforesaid,* That it shall and may be lawful to and for every such Pilot to ask demand and receive of and from every Person or Persons that shall employ him or them to pilot any Ship or other Vessel from the Eastward of the false Hook unto the Port of New York, and from the Port of New York down to the Eastward of the false Hook so far as that such Vessel may proceed from thence safely to Sea, from the fifteenth Day of March until the first Day of December yearly, the Rates and Pilotage of four Shillings for every Foot of Water such Ship or other Vessel shall draw, *Provided always* That no more than half Pilotage shall be demanded and received by every such Pilot who shall take Charge of any Ship or other Vessel coming to the Port of New York to the Westward of the false Hook: And from the first Day of December to the fifteenth Day of March yearly, the Sum of twenty Shillings more for every such Ship or other Vessel drawing ten feet Water and upwards, and for every Ship or other Vessel drawing less than ten feet Water the Sum of ten Shillings more; And for every Ship or other Vessel which such Pilot shall be required to Pilot clear of the Middle Ground out to Sea the Sum of ten Shillings more, for every such Ship or Vessel drawing ten Feet Water or under; and the Sum of twenty Shillings more for such as draw more than ten feet Water: And for every Day such Pilot shall be required to remain and is detained on Board by the Master while waiting for a fair Wind, such Pilot shall be paid, and he is hereby authorized to ask demand and receive the Sum of ten Shillings per Day.

Rates of Pilotage established.

And to the End the said Master and Wardens may be disinterested and impartial Directors, as by this Act is intended; *Be it Enacted,* That neither of them so long as they are employed in this Trust, shall be directly or indirectly concerned in any Pilot-Boat, or with any Person whatever commissioned as a Branch-Pilot.

Masters and Wardens, not to be interested in Pilot boats, etc.

Branch and Deputy Pilots, to enter into Recognizance.

Condition of Recognizance.

Recognizance, how put in suit, on breach.

Proviso.

Branch Pilot, to be Owner of Pilot Boat.

To forfeit his Branch, and be dismissed, in case of disposal of pilot boat.

Master and Wardens, appointed Surveyors of damaged goods and vessels.

Certificate as to seaworthiness of vessels.

Fees for services, etc.

Oath of Office of Master and of Wardens.

*And be it Enacted by the Authority aforesaid, That the Branch-Pilots and Deputy Pilots of the Port of New York already appointed and deputized, shall within one Month after the passing hereof; and the Branch-Pilots and Deputy Pilots hereafter to be appointed and deputed, shall before they take upon them the Execution of such Office respectively enter into Recognizances with two Sufficient Securities to be approved of by the Master and Wardens aforesaid or any three or more of them in the Penal Sum of one hundred Pounds Current Money of this Colony, conditioned that such Pilot or Deputy shall and will in all Things diligently and faithfully perform and execute the Trust reposed in him according to the Directions true Intent and Meaning of this Act, and according to such Orders and Directions as he or they shall from Time to Time receive from the said Master and Wardens of the Port of New York, or any three or more of them, and on breach of such Recognizance, the same may and shall be put in Suit at the Request of any Party complaining, who shall be intitled to and receive such Part of the Penalty if recovered as shall be awarded and determined by the said Master and Wardens or any three or more of them, who are hereby authorized to take Cognizance of such Matter and award the Damages accordingly: *Provided always* that if the Branch Pilot or Deputy Pilot so offending shall pay to the Party so aggrieved such Damages as shall be, assessed by the said Master and Wardens or any three or more of them with the Costs accrued, the Proceedings upon such Recognizance shall be stayed or discontinued.*

*And be it further Enacted, That every Branch Pilot that shall hereafter be appointed, shall be such and remain in his office as Branch-Pilot no longer than while he is a bona fide Owner or Part Owner of a Pilot-Boat, and while such Boat shall be really and only employed and used in that Service as a Pilot Boat, and in Case any such Branch-Pilot as aforesaid sells or disposes of his Property in such Boat, or employs her, or suffers her to be employed in any other Service such Branch-Pilot shall forfeit his Branch and be immediately dismissed from his Office of Branch-Pilot by the Master and Wardens or any three or more of them with the Consent of the Governor or Commander in Chief for the Time being, by and with the Advice of the Council.*

*And be it further Enacted, That the Master and Wardens of the Port of New York for the Time being shall be, and they, or any two or more of them are hereby appointed Surveyors for the surveying of all damaged Goods brought into the Port of New York in any Ship or other Vessel, and in like Manner with the Assistance of one or more able Carpenter or Carpenters to survey all vessels that shall or may be deemed or thought unfit to proceed to Sea, and thereupon shall give proper Certificates under their Hands and Seals as the Matter shall appear to them; An Entry whereof they shall Cause to be made in a Book to be kept for that Purpose, for which Certificate and Entry their Clerk shall be intitled to a Fee of eight Shillings and no more; And the Master and Wardens shall be allowed at the Rate of twenty Shillings each per Day, and in that Proportion for half a quarter of a Day; and no Survey on such Goods or Vessels performed or made in any other Manner than is herein directed and prescribed shall be valid or authentic.*

*And be it further Enacted, That before the said Master or Wardens enter upon the Execution or Discharge of the said Office, they shall severally take an Oath before one of the Judges of the Supreme*

Court of this Colony in the Words following, that is to say, "I, A. B. will well truly and impartially according to the best of my Skill and Understanding execute the Powers vested in me by virtue of an Act of the Colony of New York entitled An Act to regulate the Pilots and establish their Pilotage between Sandy Hook and the Port of New York and other Purposes therein mentioned; so help me God."

*And be it further Enacted* That the said Master and Wardens shall keep an Office in the City of New York, and provide and keep a Clerk, and a proper Book or Books, and therein shall cause regular and fair Entries to be made of all their Transactions and Proceedings in virtue of this Act, to which all Persons may have recourse; which Clerk so to be appointed is hereby impowered to receive all the Pilotage Money which shall from Time to Time become due to all or any of the Pilots by virtue of this Act, and on Refusal of Payment, in his own Name to sue for the same before the Mayor or any other Magistrate of the City of New York who are hereby respectively impowered to hear try and determine the same in a summary way, and to award Execution thereon with Costs; and to keep a distinct and separate Account with each and every of the said Pilots, of all such Monies as he shall or may receive to their Use, and every three Months to pay the same to them severally, retaining in his Hands four Per Cent for his Trouble; And all Fines and Forfeitures arising by this Act, shall and may be sued for and recovered by and in the Name of the said Clerk in like Manner as aforesaid, and all the said Fines and Forfeitures, and such Part of the Penalty of any Recognizance recovered and unapplied as aforesaid shall be paid into the Hands of the said Master and Wardens, and by them applied towards defraying such necessary Expences as they shall be put to in the Discharge of the Trust reposed in them; And the said Clerk is hereby required and ordered to enter into Bond with good Security to the said Master and Wardens in the Sum of five hundred Pounds for the faithful discharge of the Duty and Trust reposed in him by this Act.

To keep an office in New York City, and appoint clerk and provide record books.

Clerk to receive Pilotage moners.

To enforce payment of same.

To keep account with each Pilot, and to pay same.

Recovery of Fines and Forfeitures.

Payments to Master and Wardens, on account of certain expenses.

Clerk to enter into Bond with sureties.

*And be it further Enacted*, That the Pilotage which shall or may become due to any of the Pilots who shall take charge of any Vessel outward Bound, shall be paid or secured to be paid to the said Clerk before the breaking Ground of such Vessel in the Port of New York; and in Case the said Pilot for whose Use such Money is paid, shall fail in doing his Duty, the Money shall be returned or the Security be void, as may happen to be the Case.

Pilotage of outward bound vessels, payment of.

*Be it further Enacted*, That the Master or Owners of every Vessel going out of this Port of New York, shall pay to the Clerk of the Master and Wardens of said Port, in Case he or they shall carry off any Pilot or Deputy Pilot, through his or their own Default when a Boat Attends for taking off such Pilot from on board such Vessel, for the Use of such Pilot or Deputy Pilot, the same Wages per Month that the Mate of such Vessel in which such Pilot or Deputy Pilot is carried off, over and above the Pilotage of such Vessel, until he can return to the Port of New York; *Provided* such Pilot or Deputy Pilot performs on his part the Duties of him required by this Act; and *Provided also* that he performs on board such Vessel, the usual Services and Work of a Seaman as far as in his Power; And if any Money shall be advanced to such Pilot or Pilots by the Master Owner or Factor of such Vessel, such Money to be deducted accordingly.

Provisions as to Pilots carried off by vessels going out of Port.

Proviso.

*And be it also Enacted by the Authority aforesaid*, That during the Continuance of this Act it shall and may be lawful for the Governor or Commander in Chief of this Colony for the Time being by and

Governor to appoint Branch Pilots for Hell Gate.

Pilotage  
and Rules  
thereof,  
how estab-  
lished.

Exemp-  
tion of  
Master  
and Ward-  
ens, from  
jury duty.

Pilots to  
keep  
Whale-  
Boat at  
Sandy  
Hook.

Clerk to  
retain  
payment  
for boat,  
out of Pi-  
lotage.

Boat how  
furnished  
and kept  
in repair.

Vessels  
refusing  
to take  
Pilot, to  
pay half  
Pilotage.

Wardens  
to furnish  
Pilots with  
Instruc-  
tions to  
incoming  
vessels.

Act to con-  
tinue in  
force to  
Feb. 1, 1785.

with the Advice and Consent of his Majesty's Council to appoint so many Branch-Pilots as shall be judged necessary for the safe Pilotage of Vessels (when required) through the Channel in the East River or Sound commonly called Hell-Gate, to and from the Port of New York, the Master and Wardens aforesaid to establish the Pilotage and also to make such Rules and Regulations for the ordering and directing the said Pilots as shall be by them judged necessary and expedient.

*And be it further Enacted by the same Authority,* That in Consideration that the said Master and Wardens to be appointed by virtue of this Act must necessarily give their Attendance to the Duty of their Offices, they shall not be liable therefore to serve as Grand or Petit Jurors, during their Continuance in the said Office.

*And be it further Enacted,* That the Branch and Deputy Pilots of the Port of New York shall be obliged and they are hereby required to keep a good and sufficient Whale-Boat at all Times on Sandy Hook at their Joint Expence, which Boat shall be purchased and ready at the Place aforesaid on or before the first Day of October next, and the Clerk of the Master and Wardens of the Port aforesaid is hereby required and authorized to keep and retain in his Hands out of the Pilotage of the said Pilots a sufficient Sum by that Time for the Purpose of paying for such Boat to the Contractor or Builder thereof, which Boat so to be purchased and kept at Sandy Hook aforesaid shall be furnished with a sufficient Number of Oars, and at all Times to be kept by the said Pilots in good and sufficient Repair, the Expence of which also shall be retained by the said Clerk and paid out by him as aforesaid from the Earnings of the said Pilots.

*And Whereas* several Buoys are already, and more may hereafter be placed over and at the Shallows and most dangerous Places for Vessels coming in from, and going out to Sea, so that many Masters of Vessels may perhaps refuse taking a Pilot on board,

*Be it therefore further Enacted by the Authority aforesaid,* That such Masters who shall so refuse such Pilot as aforesaid, shall pay to such Pilot half Pilotage according to the place such Pilot shall offer himself at.

*And be it further Enacted,* That the Wardens of the said Port shall furnish every Pilot with printed or written Instructions, to be delivered by every such Pilot to the Master of every Vessel, as soon as he goes on board to take Charge of such Vessel to bring her into the Port of New York, which Instructions shall be strictly observed by every Branch-Pilot or Deputy Pilot, Master or Masters of Vessels, at their Peril.

This Act to continue in force from the passing thereof until the first Day of February which will be in the Year of our Lord one thousand seven hundred and eighty five, and from thence to the End of the then next Session of the General Assembly.

## Chapter LXX.

(CHAP. 18, LAWS OF 1775.)

AN ACT to confirm a Submission to Referees of a Controversy concerning the Bounds of the Patent of Jan Hendrickse Van Baal and for binding the Title of the respective Claimants agreeable to the Award of the said Referees.

PASSED the 1st of April 1775.

WHEREAS by Letters Patent under the Great Seal of the Province of New York bearing Date the Twenty first Day of August in the Year of our Lord One Thousand six hundred and Seventy two a certain Parcel of Land was granted to Jan Hendrickse Van Baal in Fee *to wit* a Certain Parcel of Land near Schenectady lying and being by the Kill or Creek called by the Indian name Tawalsoutha otherwise the Normans Kill, the said lands stretching from the Sandy Hills North West on to an Out Hook of Land the which it also includes Containing in Breadth and Length on both sides of the Kill all the Land as it lies in a Square together with the Wood Land Valley or Meadow Ground Kills and Creeks therein included. *And Whereas* by Letters Patent under the Great Seal of the Province of New York bearing Date the Fourth Day of November in the Year of our Lord One Thousand six Hundred and Eighty five the Manor of Rensselaerwyck was granted in Fee to Killian Van Rensselaer the Son of Johannes Van Rensselaer and to Killian Van Rensselaer the son of Jeremiah Van Rensselaer Comprehending two different Tracts of Land the one of which is described in the same Letters Patent as follows Beginning at the South end or part of Berrent Island on Hudsons River and extending Northwards up along both sides of the said Hudsons River unto a Place heretofore called the Kahoos or the great Falls of the said River and extending itself East and West all along from each side of the said River backwards into the Woods Twenty four English Miles To have and to hold the same (except as therein is excepted) unto the said Killian the Son of Johannes Van Rensselaer and Killian the Son of Jeremiah Van Rensselaer their Heirs and Assigns for ever In Trust to and for the only use and Behoof of the Right Heirs and Assigns of Killian Van Rensselaer their Grand Father, which said Manor of Rensselaerwyck is claimed by Catherine Van Rensselaer Widow and Relict of Stephen Van Rensselaer late of the said Manor of Rensselaerwyck Esquire deceased and others by Virtue of the last Will and Testament of the said Stephen Van Rensselaer under the said last mentioned Letters Patent, *And Whereas* the said Tract of Land so granted to the said Jan Hendrickse Van Baal is surrounded by the Outlines of the said Manor and a Controversy hath arisen between those claiming under the said respective Patents respecting the Boundaries of the Land so as aforesaid granted to the said Jan Hendrickse Van Baal whereby the Improvement of the Lands in Controversy is greatly prevented and the claimants are put to great Expence which is likely to increase if not prevented by a Settlement of the said Disputes, to accomplish which, the said Parties *to wit* Simon Johannes Veeder of the City of Albany Merchant Arie La Grange of the same Place Mariner, John M. Veeder of Schenectady in the County of Albany Yeoman Volkert Veeder of the Normans Kill in the said

Description of Van Baal Patent.

Description of Manor of Rensselaerwyck.

Controversy as to boundaries.

Claimants under Van Baal Patent.

County Yeoman, Abraham Veeder, Christian La Grange, Omie La Grange, Isaac La Grange, Coenradt La Grange, Omie La Grange the Younger John La Grange the Younger, Myndert La Grange all of the last mentioned Place Yeomen, Bernardus La Grange of New Brunswick in the Province of New Jersey Esquire and John La Grange of the County of Bergen in the said Province of New Jersey Yeoman

Claimants under the said first mentioned Letters Patent of the one Part and the said Catharine Van Rensselaer Widow and Relict of the said Stephen Van Rensselaer Philip Livingston of the City of New York Esquire and Abraham Ten Broeck of the City of Albany Esquire Claimants of the said Manor for themselves and others under the said last in part recited Letters Patent of the other Part have by their mutual Bonds or Obligations bearing Date the Fifth Day of July in the Year of our Lord one Thousand seven Hundred and Seventy four become reciprocally bound to each other in the Sum of Fifty Thousand Pounds Current money of the Province of New York with Conditions thereunder respectively written reciting in Substance as is herein before recited and submitting the Matters in Dispute as aforesaid concerning the Premises to the Determination of Thomas Hicks of Queens County on Long Island Esquire Council at Law, Samuel Johnson of Stratford in the Colony of Connecticut Doctor of Laws, John Smyth of Perth Amboy in the Province of New Jersey Esquire, The Honorable George Duncan Ludlow of Queens County aforesaid in the Province of New York Esquire, Goldsbrow Banyar of the City of New York Esquire and in Case of the Death, Neglect or Refusal of all any or either of the above mentioned Referees, That then and in such Case the Place and Stead of such of the said five Referees as should so die, neglect or refuse to act concerning the Premises should be supplied from and out of the following Persons in the order in which they are next herein after mentioned *that is to say* The Honorable Daniel Coxe of Trenton in the Province of New Jersey Esquire, William Peartree Smith of Elizabeth Town in the same Province Esquire, Samuel Jones of the City of New York Esquire, John Sloss Hobart of Eatons Neck in the County of Suffolk Esquire, Colonel William Floyd of the said County of Suffolk Esquire and Richard Cochrane of Princeton in the Province of New Jersey Esquire and in Case any of the said Six last mentioned Persons being so appointed as aforesaid should also die, refuse or neglect to attend the said Service the Place of him or them should be supplied by the next of them in Order as aforesaid until five of the Persons above mentioned should have taken upon themselves the said Reference and three or more of them should have compleated their Award thereupon and that their Award or the Award of any three of them should be - Obligatory to the said Claimants respectively in the manner in the said Bonds and hereinafter mentioned with Condition thereunder further written on the Part of the said Claimants under the said first mentioned Letters Patent to deliver up to the said Claimants under the said Patent for the Manor of Rensselaerwyck within six Months after delivery of the said Award full peaceable and quiet Possession of all and singular such Lands, Tenements, Hereditaments and Appurtenances as should not be included within the Lines adjudged or ascertained by the said Award to be the Bounds of the Lands granted in and by the said first above mentioned Letters Patent to the said Jan Hendrickse Van Baal which then was or should be held under the same Letters Patent or be in Possession of the said Claimants under the said Patent or any or either of them their or any or either

Claimants  
of Manor  
of Rensse-  
laerwyck.

Bonds of  
submis-  
sion and  
arbitra-  
tion en-  
tered into.

Referees  
agreed  
upon.

Alternate  
Referees.

Vacancies,  
how sup-  
plied.

Agree-  
ment and  
conditions  
of submis-  
sion.

of their Tenants or Assigns Except such Persons as held under the Representatives or Assigns of the said Jan Hendrickse Van Baal by Grant or Lease in Writing with respect to whose Possession Provision is made by the Articles of Agreement hereinafter set forth Provided the said Award be made in Writing under the Hands and Seals of the said Arbitrators taking upon themselves the Burden of the said Award as aforesaid or under the Hands and Seals of any three or more of them on or before the first Day of July then and now next ensuing and with Condition on the Part of the said Claimants of the aforesaid Manor to deliver up to the said other Parties within Six Months after the delivery of the said Award full peaceable and quiet Possession of all and singular such Lands, Tenements, Hereditaments and Appurtenances as should be included within the Lines Awarded or ascertained by the said Award to be the Bounds of the Lands granted in and by the said first above mentioned Letters Patent to the said Jan Hendrickse Van Baal which then was or should be held as of the said Manor of Rensselaerwyck or be in Possession of the said Claimants of the said Manor any or either of them their or either of their Tenants or Assigns Except such Persons as held under the said Manor by Grant or Lease in Writing with respect to whose Possession Provision is made by the Articles of Agreement aforesaid, By which said Bonds the said Parties are reciprocally bound to each other to keep observe, execute, do, perform abide by and fulfill all and singular the Covenants Articles, Matters and Things whatsoever mentioned and contained in the Articles of Agreement aforesaid, which on their Parts respectively ought to be kept, observed, executed, done, performed abided by and fulfilled according to the true Intent and Meaning of the said Articles of Agreement as by the said respective Bonds or Obligations and the Conditions thereof reference being thereunto had may appear, which said Articles of Agreement are in the words following to wit

*Articles of Agreement* Indented had made and concluded upon this Fifth Day of July in the Year of our Lord one Thousand seven Hundred and Seventy four Between Catharine Van Rensselaer Widow and Relict of Stephen Van Rensselaer late of the Manor of Rensselaerwyck Esquire Deceased, Philip Livingston of the City of New York Esquire and Abraham Ten Broeck of the City of Albany Esquire of the first Part and Simon Johannis Veeder of the City of Albany Merchant, Arie Legrange of the same place Mariner, John M. Veeder of Schenectady in the County of Albany Yeoman, Volkert Veeder of the Normans Kill in the same County Yeoman, Abraham Veeder, Christian Legrange, Omie Legrange, Isaac Legrange, Coenradt Legrange, Omie Legrange the Younger, John Legrange the Younger, Myndert Legrange all of the last mentioned place Yeoman, Bernardus Legrange of New Brunswick in the Province of New Jersey Esquire and John Legrange of the County of Bergen in the said Province of New Jersey Yeoman of the second part.

*Whereas* divers disputes have arisen by and between the Parties to these Presents and those under whom they respectively claim concerning certain Lands in the County of Albany claimed by the Parties of the first Part as belonging to the Manor of Rensselaerwyck and by the Parties of the second Part as included within the Bonds of a certain Tract of Land also in the said County of Albany granted to Jan H. Van Baal by Letters Patent under the Great Seal of the Province of New York bearing Date the Twenty first Day of August in the Year of our Lord One Thousand six Hundred and Sev-

Articles  
of agree-  
ment.  
Parties of  
first Part.

Parties of  
second  
Part.

Disputes  
between  
parties  
recited.

Bonds of Arbitration.

Details of Agreement.

1st Covenant.

2d.

3d.

4th.

enty two, which Disputes having occasioned great Expenses to the said Parties; For the Prevention whereof for the future and for settling the said Disputes between the said Parties they have mutually referred the same to Arbitration by Bonds bearing even Date with these Presents in the Penalty of Fifty Thousand Pounds with Condition as is thereunder written Now for the preventing all unnecessary Delays in determining the same and to encrease their mutual Security concerning the Premises the Parties to these Presents of the first and second Parts respectively for themselves their Heirs Executors, Administrators and Assigns jointly and severally do hereby mutually covenant promise and agree with the parties of the other Part their Heirs Executors Administrators and Assigns in manner and form following *that is to say* *Inprimis* the said Parties do hereby mutually fix and appoint the Twenty second Day of August next for the Meeting of the said Arbitrators at the City of Albany in order to proceed on the said Arbitration And that the said Parties shall use their best Endeavours to procure the said Meeting at the Time and Place aforesaid *Secondly* if it should so happen that the said Arbitrators should not meet at the Time and Place aforesaid, that it shall and may be lawfull for them to meet on the Business aforesaid at the Place aforesaid at any other Time or Times to be appointed by them (so as they c<sup>m</sup>pleat their Award within the Time limited by the Bonds above referred to) provided previous Notice in Writing by them or any three of them of such Meeting be given to one of the Parties of the first Part and one of the Parties of the second Part at least Twenty Days. *Thirdly*, That the Parties of the first and second Part to these Presents shall be at liberty to examine such Witnesses as they respectively shall think proper one of the said Examiners herein after mentioned giving to the other two Days Notice in Writing of the Time and Place for examining such Witnesses and that such Witnesses shall be examined and cross examined by Peter Silvester Esquire on the Part of the said Manor of Rensselaerwyck and by Robert Yates Esquire in behalf of the other party hereto. *Fourthly*, That the said Examiners and such Clerk and Clerks as they shall appoint to assist them shall take an oath well and truly to discharge the several Trusts reposed in them concerning the Premises and also not to divulge or make known or suffer to be divulged or made known directly or indirectly by any Ways or Manner whatsoever any of the Contents of the said Depositions or any of them untill they are to be published as herein is after mentioned, That each of the said Depositions when taken as aforesaid together with the rough Draft thereof be sealed up by the said Examiners as soon as completed and indorsed with the Deponants Name and when the said Examinations are fully completed then the Depositions of the Witnesses produced on each part respectively together with the rough Draft thereof be sealed up by the said Examiners those of the Parties of the first Part to be kept by the said Peter Silvester and those of the Parties of the second Part to be kept by the said Robert Yates, which Affidavits and every of them so taken as aforesaid are hereby mutually agreed shall and may without Objection to be made by either of the said Parties respectively or those claiming under them be given and received in Evidence before the said Arbitrators or on any future Trial or Hearing in Law or Equity between any of the said Parties or those claiming under them concerning the Premises or any Part thereof in Case the Witness so making the same shall be dead or in Case it shall be Proved to the satisfaction of the said Referees or the said Court of Law and Equity



that the Witness making such Deposition or Depositions cannot be got to attend to give Evidence *viva voce* saving all just Exceptions to each Party as to the legality and Character of the Witness as if he was present and personally offered as a Witness. *Fifthly*, That whenever <sup>sth.</sup> the said Arbitrators shall meet for the Purposes aforesaid and the Majority of them at the Request of either Party shall require any of the said Depositions to be read in Evidence to them agreeable to the true Intent and Meaning of these Presents that then it shall and may be lawfull for the said Peter Silvester and Robert Yates or either of them to deliver such Deposition and Depositions to the Party so applying for it and an original Duplicate thereof to the opposite Party to be read in evidence as aforesaid. *Sixthly* And it is further <sup>sth.</sup> agreed, that after the said Arbitrators shall have compleated and delivered in their Award or in Case the said Arbitration by any Accident shall be entirely frustrated that then it shall and may be lawfull for the said Peter Silvester and Robert Yates to deliver and give up to any of the first and second Parties respectively the Depositions of their Witnesses respectively and the Duplicate thereof and rough Draft thereof so taken as aforesaid, the same Depositions to be given in Evidence on all future Occasions in manner and form as aforesaid. *Seventhly* In order to expedite the Determination by the <sup>7th.</sup> Arbitrators aforesaid and in order to strengthen the Security to the Parties aforesaid it is further agreed that Rules of Reference be severally entered by the Consent of Parties at the next Supreme Court of Judicature for the Province of New York in two several Actions of Ejectment brought for Part of the Premises in Question and now pending undetermined the one at the Suit of James Jackson on the Demise of the said Catharine Van Rensselaer against Simon Johannise Veeder, Volkert Veeder, Simon M. Veeder and Abraham Veeder the other at the Suit of James Jackson on the Demise of Barnardus Legrange against Robert Freeman and the said Catharine Van Rensselaer, by which Rules the said Causes shall be severally referred to the Determination of the Arbitrators mentioned in and according to the true Intent and Meaning of the Bonds of Arbitration herein before mentioned. *Eighthly* It is also agreed that the Award of the said <sup>sth.</sup> Arbitrators shall bind the Possession of the Lands in Controversy only but not the Title of either of the Parties to any Part or Parcel thereof unless an Act of the Legislature of the Province of New York be passed within Two Years from the Date hereof either confirming the aforesaid Submission and authorizing the said Referrees finally to determine the Title of the Lands in Question and the Bounds of of the said Patent granted to the said Jan H. Van Baal as aforesaid or confirming such Award as the said Arbitrators shall before that Time have made concerning the Premises nor unless such Act shall within four Years from the Date hereof be confirmed by his Majesty. *Ninthly* It is also further agreed, that the Parties of the first and second <sup>9th.</sup> Part to these Presents shall at their joint Expence respectively use their utmost Endeavours to procure the passing of such an Act of the Legislature of the said Province as is above mentioned and the Confirmation thereof by his Majesty as aforesaid in order to which they shall jointly Petition the House of Assembly for the said Province for the same that the said Parties or some or one of both the said Parties shall with all convenient speed jointly give such Notifications of their Intention to apply for the same as are required by the Royal Instructions relative to the passing of private Acts in this Province. *Tenthly* In Order to prevent either Party from any undue <sup>10th.</sup>

That they may send them directly or indirectly to obstruct the  
 passing of said Act of the Legislature or the Confirmation thereof as  
 aforesaid in Case the said Arbitrators shall have met and commenced into  
 the Session of Court hereby set off the passing of said Act the Parties  
 do hereby mutually request the said Arbitrators to compel their  
 several Oaths to be sworn to the Parties but to keep the same and  
 every Part thereof and every Sentiments and Opinions concerning the  
 Premises secret from all Persons whatever until the rising or other  
 Termination of the next Session of the said General Assembly for  
 said Province and if not it shall be closed until said Nine Months  
 from the passing thereof shall be expired that an opportunity may be  
 given of bringing the Royal Confirmation of the said Act and in  
 Case of a refusal thereof or Prevention of the said General  
 Assembly shall not be prevented from passing at the next Ses-  
 sion of the said General Assembly, that then the Parties shall in  
 manner aforesaid endeavour to procure the passing of such Act at the then  
 next Session of the said General Assembly and in such  
 Case the said Arbitrators are hereby requested to keep their Sentiments  
 concerning the Premises secret as aforesaid until the rising or  
 other Termination of the said Session of Assembly and  
 until Nine Months from the passing of such Act shall be expired that an  
 opportunity may be given of Soliciting the Royal Confirmation  
 thereof. *Eleventhly* That in Case the said Act shall pass the said  
 Legislature it is further agreed that neither of the said Parties  
 directly or indirectly shall use any Means whatever which may in any  
 wise tend to prevent his Majesty's Confirming such Act of the Legis-  
 lature or to bring about the Royal annulling or disallowing thereof.  
*Twelfthly*, That the said Arbitrators before the making of their said  
 Award do have a View of the Premises in Question. *Thirteenthly* It  
 is further agreed that the Costs in the Actions of Ejectment aforesaid  
 shall follow the Determination of the Arbitrators according as the  
 Lands controverted therein respectively shall appear to be within the  
 said Tract of Land granted to Van Baal or not as the Boundaries  
 thereof shall be adjudged by the said Arbitrators, and the said  
 Parties shall accordingly pay the said Costs to the other in  
 such Case to be taxed. *Fourteenthly*, That the Expence attend-  
 ing the said Arbitration shall be jointly paid by the Parties to these  
 Presents to be ascertained by the Certificate of the said Referrees  
 who shall determine the said Controversy or any three of them except-  
 ing that each Party shall provide for and pay their respective Council  
 and Witnesses. *Fifteenthly* And it is further agreed that in a certain  
 Action of Debt now depending in the Supreme Court of the Province  
 of New York between Philip Livingston Esquire Administrator *de bonis*  
*non* of Jeremiah Van Rensselaer deceased Plaintiff and Simon Johan-  
 nise Voeder surviving Executor of the last Will and Testament of  
 Johannise Simonse Voeder deceased Defendant there shall be a Rule  
 of Reference entered at the next Supreme Court for the Province of  
 New York submitting the said Cause to the Determination of the Arbi-  
 trators who shall take upon them the Determination of the Matters in  
 Controversy hereinbefore mentioned or any three or more of them; It  
 is agreed between the said Parties that in the Determination of the  
 said Controversy the Title of either Party shall not be controverted  
 before the said Referrees. And that it shall be admitted, that the  
 said Manor of Rensselaerwyck doth surround the Lands in Question  
 and the only Point to be settled by the said Referrees shall be to fix  
 the Boundaries of the said Patent to Van Baal, it being agreed to be

admitted before the said Referrees that the said Parties claiming under the said Patent to Van Baal have Title to all the Lands comprehended within the Boundaries of the aforesaid Grant to Van Baal, that the said Parties respectively shall not take or cause to be taken any new Possession or Possessions of any Part of the said Controverted Lands or Settle any Tenant or Tenants thereon during the Time the said Disputes are depending undetermined before the said Arbitrators.

And Whereas the said Proprietors of the said Manor have leased or granted by Writing on Rents reserved Parts of the Premises in Controversy to the Persons following to wit To Jacob Truax, John Banker, Nicholas Van Patten, John Long, John Redliff, William Venton, Isaac Ostrander, Gerrit Slingerlandt, Cornelius Van Den Bergh, Jacob Cooper, John Van Deusen, Adrian Bradt and to Coenradt Luke a small Parcell and also a small Parcell thereof to Major General John Bradstreet as by the said Leases and Grants may appear, and have received from some of the said Grantees the following Considerations (to wit) from the said Jacob Truax the sum of Fifty Pounds, Jacob Cooper the Sum of One Hundred and Thirty one Pounds, John Van Deusen the Sum of Ninety Pounds, Adrian Bradt the Sum of Ten Shillings, Cornelius Van Den Bergh the Sum of Five Shillings, Gerrit Slingerlandt the Sum of Five Shillings, Isaac Ostrander the Sum of Five Shillings and the said William Venton the Sum of Five Shillings.

And the Owners of the Tract Granted to the said Van Baal have on their Part also Granted and Leased in Writing on Rents reserved Parts of the said Premises in Controversy to the Persons following to wit Andrew Makans, Christopher Yates, Johannis Van Der Wilgen, John Oliver, Ephraim Hudson, Daniel Hungerford and Frederick Wormer as by the last mentioned Leases and Grants may appear

Now therefore the said Parties of the first Part do further covenant and agree with the said Parties of the second Part their Heirs Executors Administrators and Assigns, That in Case the Lines which shall be adjudged by the said Referrees to be the Boundaries of the Lands granted to the said Jan Hendrickse Van Baal shall include the Lands so as aforesaid Leased and Granted under the said Manor or any Part thereof within the Bounds of the aforesaid Patent to the said Van Baal, then the said Parties of the first Part shall pay to the said Parties of the second Part their Heirs Executors Administrators or Assigns such Consideration money as hath been received as aforesaid by the Proprietor of the said Manor of Rensselaerwyck for the Lands so Awarded to be within the Bounds of the said Jan Hendrickse Van Baals Patent with Interest thereon and all such Rents as have been received thereon And also shall deliver and assign to the said Parties of the second Part the respective Leases and Grants aforesaid made of such Lands so included within the said Bounds of Van Baals Patent, and the Rents then in Arrear and thereafter to become due thereon respectively And the said Parties of the second Part do further covenant and agree with the said Parties of the first Part their Heirs Executors Administrators and Assigns that they will make the like Payments and Assignments to the Parties of the first Part of all such Monies, Leases, Grants and Rents of such of the said Lands in Controversy as shall in manner as aforesaid appear to be without the Boundary of the Lands so as aforesaid Granted to the said Van Baal, And it is hereby declared to be the true Intent and Meaning of the Parties to these Presents, that the Possession of the said Jacob Truax to be retained by him or his Assigns in case his Farm aforesaid shall be included within the Lines so to be settled as aforesaid for the Boundaries of the said Patent granted to the said Jan

Grants or Leases of part of manor lands, proviso as to.

Grants or leases of part of Van Baal Patent, proviso as to.

Agreement between parties, as to adjustment, etc.

Proviso as to lands of Jacob Truax.

Hendrickse Van Baal shall contain only the Lands granted to him by Omie Legrange deceased And that in such Case the Party claiming under the said Manor shall not be obliged to assign to the other Party the Lease from the said Jacob Truax nor to pay to the other Party the Consideration paid for the said Lease or the Rents already paid and in Arrear and to grow due thereon. *In Witness whereof* the Parties to these Presents have hereunto interchangeably set their Hands and Seals the Day and Year first above written Provided the said Award be made by the Time and in the Manner herein before mentioned.

Names of  
Referees  
accepting.

And Whereas pursuant to the Terms of the said Submission and Agreement the Honorable George Duncan Ludlow Esquire, Thomas Hicks Esquire Samuel W. Johnson Doctor of Laws, Samuel Jones and Goldsbrow Banyar Esquires Referees above mentioned have taken upon themselves the Burden of the said Award and have met at the City of Albany, viewed the said Lands in Controversy and fully heard the Proofs and Allegations of all the said Parties thereto and of their witnesses respectively All which Proceedings of the said Referees have been had and done according to the true Intent and Meaning of the said Articles of Agreement and to the full satisfaction of the several and respective Parties thereto. And Whereas the said Parties have given public Notice pursuant to his Majestys Instruction to the Governor and Commander in Chief of this Colony in that Behalf, That they intended to apply to the Legislature of this Colony at this present Sessions of the General Assembly for a Law either to confirm the aforesaid Submission and to authorize the said Referees finally to determine the Title and Bounds of the Land in Question as aforesaid or to confirm such Award as the said Referees should before the passing such Act have made concerning the Premises. And Whereas the said Parties by their joint Petition to the General Assembly have prayed that a Bill may be passed for confirming such Award as the said Referees last mentioned or any three of them shall make in the Premises and for binding the Title of the Parties agreeable thereto,

Notice of  
application  
to the  
Legisla-  
ture.

Last pub-  
lic notice  
for pass-  
age of Act

Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly And it is hereby enacted by the Authority of the same, That the said Bonds, Articles of Agreement and Submission be, and the same are hereby confirmed and made valid and effectual between the said Parties and Claimants and the said Meeting of the said Referees, their view of the Premises and all and singular other their Proceedings heretofore had as aforesaid shall at all Times hereafter be adjudged, deemed and taken to have been held, had and done according to the true Intent and Meaning of the Conditions of the said Bonds of Arbitration and of the said Articles of Agreement hereinbefore mentioned And the said last mentioned Referees or any three of them are hereby authorized finally to determine the Right and Title of the said Lands in Controversy between the said Parties and Claimants and the Bounds of the said Tract of Land granted by the aforesaid Letters Patent to the said Jan Hendrickse Van Baal.

Bonds and  
notice of  
agreement  
made and  
submitted  
when here-  
in set forth  
by Statute  
in this  
Act.

Referees  
according  
to the  
order for  
the  
determination  
of the  
controversy.

Award of  
the Referees  
to be all  
future  
evidence of  
the  
parties  
upon the  
other.

And it is also hereby further Enacted by the same Authority, That in Case the said last mentioned Referees or any three of them shall already have made or shall hereafter make their Award in the Premises by the Time hereinbefore mentioned for that Purpose such their said Award is and shall be hereby confirmed and made valid and effectual in the Law And that from thenceforth the said Parties above

named claiming as aforesaid under the said Letters Patent to the said Jan Hendrickse Van Baal their Heirs and Assigns for ever (except such of their Tenants who are excepted in the said Articles of Agreement) are hereby and shall for ever hereafter be barred and excluded of and from all Claim, Right, Title and Interest whatsoever derived from and under the said Letters Patent to the said Jan Hendrickse Van Baal of in or to any Lands lying not included within the Lines adjudged or to be adjudged by the last mentioned Referees or any three of them in and by their said Award to be the Boundaries of the Land granted by the first said Letters Patent to Jan Hendrickse Van Baal and within the Out Lines of the said Manor. And in like manner the said other Parties above named claiming as aforesaid under the said Letters Patent granting the said Manor or under any other Grant or Confirmation thereof and all others claiming or to claim or having or to have any Right or Title under and by Virtue of the said last mentioned Will and Testament of the said Stephen Van Rensselaer deceased their Heirs and Assigns for ever (except such of their Tenants as are excepted in the said Articles of Agreement) are hereby and shall be for ever from and after the making the said Award barred and excluded of and from all Claim, Right, Title and Interest whatsoever derived from and under the said recited Letters Patent granting the said Manor of Rensselaerwyck or any other Subsequent Grant or Confirmation thereof of in or to any Land lying within the said Lines so adjudged or to be adjudged by the said last mentioned Referees or any three of them in and by their said Award to be the Boundaries of the Land granted by the said Letters Patent to the said Jan Hendrickse Van Baal and comprehended within the Out Lines of the said Manor of Rensselaerwyck.

*And be it further Enacted by the Authority aforesaid, That from and after the Time of making the said Award the Parties aforesaid claiming under the said Letters Patent to the said Jan Hendrickse Van Baal and all others claiming or to claim or having or to have any Right, Title or Interest under them or any of them to any of the Lands comprehended within the Lines or Limits which are or shall be Awarded or adjudged by the said last mentioned Referees or any three or more of them to be the Boundaries of the Lands granted by the said Letters Patent to the said Jan Hendrickse Van Baal shall in all Courts of Law and Equity be deemed, adjudged and taken to have a good legal and valid Title thereto against all Rights, Titles, Claims or Demands thereto made or to be made by the said Parties hereinbefore named claiming under the said or any other Letters Patent, Deed or Instrument granting or confirming the said Manor of Rensselaerwyck and against all others claiming or to claim or having or to have any Right, Title or Interest thereto either as Heirs at Law to or under or by Virtue of the said last Will and Testament of the said Stephen Van Rensselaer. And in like manner after the Time of making the said Award the said Parties hereinbefore mentioned claiming the Lands so in Controversy as Part of the said Manor of Rensselaerwyck and all others claiming or to claim or having any Right either as Heirs at Law to or under or by Virtue of the said last Will and Testament of the said Stephen Van Rensselaer to any of the Lands in Controversy as aforesaid within the Bounds of the said Manor and which are or shall not be Comprehended within the Lines or Limits awarded or adjudged or which shall be awarded or adjudged by the said last mentioned Referees or any three of them to be the Boundaries of the said Letters*

Lands  
awarded  
to be in  
Van Baal's  
Patent,  
confirmed  
under  
Patent.

Lands  
awarded  
to be in  
Manor,  
confirmed,  
etc.

Patent to the said Jan Hendrickse Van Baal shall in all Courts of Law or Equity be deemed, adjudged and taken to have a good legal and valid Title thereto against all Rights, Titles, Claims or Demands thereto made or to be made under the said Letters Patent to the said Jan Hendrickse Van Baal by the said Parties hereinbefore named claiming under the said Letters Patent to the said Jan Hendrickse Van Baal and against all others claiming or to claim or having any Right thereto in Virtue of the said last mentioned Letters Patent and under the said Parties claiming as last aforesaid. And further that such Lines or Boundaries as the said Referees or any three or more of them shall Award as aforesaid to be the Bounds of the Land granted as aforesaid to the said Jan Hendrickse Van Baal shall for ever thereafter be deemed, esteemed and taken in all Courts of Law and Equity against the said Parties and Claimants respectively their Heirs and Assigns and against all others claiming or to claim by from or under them or any of them respectively by any Ways or Means whatsoever and against all others claiming or to claim by from or under the last Will and Testament of the said Stephen Van Rensselaer, as and for the true Limits and Bounds of the Land granted to the said Jan Hendrickse Van Baal by the said Letters Patent to him.

Act not to affect claims of Crown.

Rights of certain tenants saved.

Act to be in force on approval by his Majesty.

*Provided Always*, That nothing herein contained shall be construed in any wise to affect the Claim Right or Title of his Majesty his Heirs or Successors or of any Person or Persons to the said Controverted Lands or any Part thereof who are not Parties to the said Submission or who do not or shall not claim by from or under them or any of them or as Heir or under the last Will and Testament of the said Stephen Van Rensselaer deceased Nor shall any Thing herein contained be construed to alter, change, make void or defeat the Right or Title to any of the Lands in Controversy of any Tenant or Tenants of the said Parties respectively who are mentioned and excepted as aforesaid in the said Articles of Agreement. And this Act shall be deemed and adjudged to be a Public Act and nothing herein contained shall be of Force until this Act shall be approved or confirmed by his Majesty his Heirs or Successors.

## Chapter LXXI.

(CHAP. 19, LAWS OF 1775.)

AN ACT to revive an Act entitled "An Act for the better and more effectual collecting of Taxes in the City of New York."

PASSED the 1st of April 1775.

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby Enacted by the Authority of the same,* That the Act entitled. "An Act for the better and more effectual collecting of Taxes in the City of New York." passed the Twentieth Day of May one thousand seven hundred and sixty nine, shall be and hereby is revived and every Clause Article Matter and Thing therein contained enacted to be and remain in full force from the passing hereof until the first Day of February one thousand seven hundred and eighty five, and from thence to the End of the then next Session of the General Assembly.

Act of May 20, 1769, revived.

To remain in force to Feb. 1, 1786.

## Chapter LXXII.

(CHAP. 20, LAWS OF 1775.)

AN ACT to revive an Act entitled "An Act to prevent Frauds in the Sale of Bread."

PASSED the 1st of April 1775.

WHEREAS the above mentioned Act expired by its own Limitation on Preamble. the first Day of January last,

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby Enacted by the Authority of the same,* That the said Act entitled. "An Act to prevent Frauds in the Sale of Bread" passed the eighth Day of March one thousand seven hundred and seventy three, and every Clause Article Matter and Thing therein contained, shall be and hereby is revived from the passing hereof until the first Day of January which will be in the Year of our Lord one thousand seven hundred and eighty five, and from thence to the End of the then next Session of the General Assembly. Act of March 8, 1773, revived, to Jan. 1, 1785.

## Chapter LXXIII.

(CHAP. 21, LAWS OF 1775.)

AN ACT to revive an Act entitled "An Act to raise a Fund for defraying Damages done by Dogs in the County of Richmond."

PASSED the 1st of April 1775.

WHEREAS the Act entitled. "An Act to raise a Fund for defraying Damages done by Dogs in the County of Richmond." passed the thirty-first Day of December one thousand seven hundred and sixty eight, expired by its own Limitation on the first Day of January last, and the same having been found useful and necessary, Preamble.

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That the abovementioned Act and every Clause Matter and Thing therein contained, shall be and hereby is revived, from the passing hereof until the first Day of February which will be in the Year of our Lord one thousand seven hundred and eighty five. Act of Dec. 31, 1768, revived to Feb. 1, 1785.

## Chapter LXXIV.

(CHAP. 22, LAWS OF 1775.)

AN ACT to revive an Act entitled "An Act to empower the Freeholders of the Towns of Hempstead and Oyster Bay in Queens County to make prudential Orders for the better regulating the parting their Sheep feeding on the Great Plains, and to sell such stray Sheep as shall be left at such Time of parting."

PASSED the 1st of April 1775.

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,*

Act of Jan. 13, 1768, revived. That the Act entitled. "An Act to empower the Freeholders of the Towns of Hempstead and Oyster Bay in Queen's County to make prudential Orders for the better regulating the Parting their Sheep feeding on the Great Plains, and to sell such Stray Sheep as shall be left at such Time of parting." passed the thirteenth Day of January one thousand seven hundred and sixty eight, shall be and hereby is revived, and every Article Matter and Clause therein contained, enacted to be and continue in full force from the passing hereof until the first Day of February which will be in the Year of our Lord one thousand seven hundred and eighty five, and from thence to the End of the then next Session of the General Assembly.

To remain in force to Feb. 1, 1785.

## Chapter LXXV.

(CHAP. 23, LAWS OF 1775.)

AN ACT to appropriate certain Monies in the Treasury of Queens County for the Uses therein mentioned.

PASSED the 1st of April 1775.

Preamble. WHEREAS by virtue of two certain Acts of the Legislature of the Colony of New York, one of them entitled. "An Act for the regulating the Militia of the Colony of New York." and the other entitled, "An Act to continue an Act entitled An Act for regulating the Militia of the Colony of New York with some Additions thereto," passed in the twenty eighth and twenty ninth Years of the Reign of his late Majesty King George the second, the several County Treasurers in this Colony for the Time being were empowered to levy certain Fines and Forfeitures from the People called Quakers, and from the People called *Unites Fratrum*, or the United Brethren, And Whereas the present Treasurer of Queens County during the continuance of the above recited Acts, and in Virtue thereof hath received divers Sums of Money from the People as abovementioned; Part of which Monies still remain in the Hands of the said Treasurer unaccounted for, and unappropriated to the Uses specified in the above mentioned Acts.



*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That the present Treasurer of Queens County aforesaid shall, and is hereby required and directed on the first Tuesday in October next to render unto the Supervisors of Queens County, a just and true Account on Oath of all the Monies heretofore received by him from the People called Quakers, and also from the People called *Unitus Fratrum* or the United Brethren in virtue of the two Acts abovementioned, and likewise what Sum or Sums of Money hath been appropriated to the Uses in the said Acts herein before mentioned; and that he pay the Ballance remaining in his Hands within three Months thereafter into the Hands of the Church Wardens or Overseers of the Poor of each respective Town in said County, in the same Proportion that each Town hath paid of the last Public Tax of said County to be by the Church Wardens or Overseers of the Poor applied to the Use of the Poor of their respective Towns; and the Receipt of the Church Wardens or Overseers of the Poor to the said Treasurer shall be a full Discharge to him for the same, any Thing contained in the two Acts herein beforementioned or either of them to the Contrary in any wise notwithstanding.

Treasurer, to render account as to certain fines, etc., collected, to Supervisors.

To pay over residue to Overseers of Poor.

How applied.

Receipt of Overseer, to Treasurer.

## Chapter LXXVI.

(CHAP. 24, LAWS OF 1775.)

AN ACT to revive the several Acts therein mentioned, as they relate to the Counties of Queens and Suffolk.

PASSED the 1st of April 1775.

WHEREAS the several Acts, the Titles whereof are herein after particularly mentioned and described have been found by Experience to be very beneficial and useful in the Counties of Queens and Suffolk for which they were made, but are now expired by their own Limitation.

Preamble, as to expiration of certain Acts.

Namely, the Act entitled "An Act for the better clearing regulating and further laying out Public Highways in the County of Suffolk," passed the fourteenth Day of October one thousand seven hundred and thirty two.

Suffolk Highway Act.

Also the Act to continue an Act entitled. "An Act for the better clearing, regulating and further laying out Public Highways in the County of Suffolk with some Additions thereto," passed the seventeenth Day of November, one thousand seven hundred and thirty-nine.

Ibid.

Also an Act to amend an Act, entitled. "An Act for the better clearing regulating and further laying out Public Highways in the County of Suffolk," passed the twenty ninth Day of November, one thousand seven hundred and forty five.

Ibid.

Also an Act to amend an Act entitled. "An Act for the better clearing regulating and further laying out Public Highways in the County of Suffolk," passed the sixth Day of February one thousand seven hundred and seventy-three.

Ibid.

Also an Act to encourage the taking and destroying of Wild Cats in the County of Suffolk," passed the nineteenth Day of February one thousand seven hundred and fifty six.

Wild Cats, destruction of, in Suffolk Co.

**Ibid.** Also an "Act to amend an Act entitled. An Act to encourage the taking and destroying of Wild Cats in the County of Suffolk," passed the sixteenth Day of February one thousand seven hundred and seventy one.

**Destroying grass or timber.** Also the, "Act to restrain the feeding and burning the grass and cutting the Timber on Certain Beaches and Islands therein mentioned," passed the sixteenth Day of December one thousand seven hundred and fifty eight.

**Deer, taking of, in Queens Co.** Also an. "Act to prevent the digging of Pitts for taking of Deer in Queens and Suffolk Counties," passed the eleventh Day of December one thousand seven hundred and sixty two.

**Sheep, regulating, etc., in Huntington, Suffolk Co.** Also, the "Act to empower the Freeholders of the Town of Huntington in the County of Suffolk to make prudential Orders for the better regulating collecting and parting their Sheep feeding on the Plains and other Common Lands in the said Town, and to sell such stray Sheep as shall be left at the Time of parting," passed the twenty seventh Day of January one thousand seven hundred and seventy.

**Acts named in Preamble, revived, and continued in force to Jan. 1, 1785.** *Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That all and every the Acts so as aforesaid entitled and described shall be, and are hereby revived, and every Article Matter and Clause therein contained Enacted to be in full force to all Intents Constructions and Purposes whatsoever from the passing hereof until the first Day of January which will be in the Year of our Lord one thousand seven hundred and eighty five; and from thence to the End of the then next Session of the General Assembly.*

## Chapter LXXVII.

(CHAP. 25, LAWS OF 1775.)

AN ACT to amend an Act entitled "An Act for the Relief of the Poor in the Manor of Cortlandt in the County of West Chester." & for other Purposes therein mentioned.

PASSED the 1st of April 1775.

**Preamble.** WHEREAS the Freeholders and Inhabitants of the Manor of Cortlandt by virtue of the aforesaid Act, are empowered at their annual Meetings for the electing of officers, to elect and choose by majority of Voices, three Persons being Freeholders of the said Manor to be Overseers of the Poor, *And Whereas* the said Manor by a certain Act entitled. "An Act to amend an Act entitled An Act to enable the Inhabitants of the Manor of Cortlandt in the County of West Chester to elect two additional Constables, and also to empower the Inhabitants of the said Manor to choose an additional Number of Overseers of the Highways" passed the thirty first Day of December one thousand seven hundred and sixty-eight; is divided into three Distinct Districts or Divisions, and are empowered each annually to choose certain Officers; and it would be much more convenient for the Inhabitants of said Districts or Divisions respectively, also to elect one Overseer of the Poor, one Assessor and one Collector, than for the Inhabitants of said Manor to elect those Officers at large as they now do.

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* that it shall and may be lawful to and for the Freeholders and Inhabitants of each of the three Districts or Divisions of the said Manor of Cortlandt by the major Voice of the Freeholders and Inhabitants of said Districts respectively then present to elect and choose one Overseer of the Poor, one Assessor and one Collector being a Freeholder of the District or Division for which they shall be so chosen which Overseer of the Poor, Assessor and Collector shall have the same Powers and Authorities, and be subject to the same Duties, Pains and Penalties as the Overseers of the Poor, Assessors and Collectors elected by the Manor in general now have, or are subject to.

Election of certain officers by Districts, in Manor of Cortlandt.

*And be it further Enacted by the Authority aforesaid,* That the Overseers of the Poor so as aforesaid to be chosen for the said Districts or Divisions respectively shall not receive any Poor Person under their Care charging the Manor aforesaid with the Support or Maintenance of such Person unless by Consent of two of his Majesty's Justices of the Peace residing in said Manor in Writing under their Hands first had and obtained for that Purpose any Thing in the first abovementioned Act to the contrary notwithstanding.

Support of poor, conditions as to.

Consent of Justices of Peace required.

*Provided always and be it further Enacted by the Authority aforesaid* That nothing herein contained shall be construed to exempt the Overseers of the Poor aforesaid from receiving and providing for such Poor Persons and performing other the Duties enjoined on the Overseers of the Poor by virtue of an Act entitled. "An Act for the settlement and Relief of the Poor." passed the eighth Day of March one thousand seven hundred and seventy three.

Overseers of Poor, duties as to relief of poor.

## Chapter LXXVIII.

(CHAP. 26, LAWS OF 1775.)

AN ACT to erect the East Camp in the District of the Manor of Livingston in the County of Albany into a separate District, and to alter the District of Saraghtoga and erect a new District by the name of Balls Town.

PASSED the 1st of April 1775.

WHEREAS by an Act passed the twenty fourth Day of March one thousand seven hundred and seventy two, entitled. "An Act to divide the Counties of Albany and Tryon into Districts." all that Part of the County of Albany which lays to the Northward of Dutchess County, and to the Southward of the South Bounds of Claverack continued to the Eastermost Extent of this Colony, and to the Eastward of Hudson's River was made one separate and distinct District called and known by the Name of the District of the Manor of Livingston, And Whereas the Freeholders and Inhabitants of the Camp commonly called and known by the Name of the German Camp on the East Side of Hudson's River find many Inconveniencies by their being included in said District, and being desirous to be made a separate and distinct District,

Preamble.

German  
Camp Dis-  
trict  
erected.

District of  
Saraghtoga,  
limits of.

Balls  
Town, to  
be a Sepa-  
rate Dis-  
trict.

Districts  
herein  
named, to  
elect cer-  
tain  
District  
Officers.

Rights of  
Patentees,  
bodies  
corporate,  
etc., not  
affected  
by this  
Act.

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That all that Tract of Land commonly called and known by the Name of the German or East Camp on the East Side of Hudson's River, shall be, and hereby is separated from the District of the Manor of Livingston, and made a distinct District to be hereafter called the German Camp District.*

*And be it also Enacted by the same Authority, That the District of Saraghtoga shall be henceforth limited on the West by the East Side of Balls Town and a North Line to the Northern Bounds of the County of Albany, and a South Line to Half Moon District, and that the Residue of the Lands formerly assigned to the District of Saraghtoga by the said Act, shall be henceforth one separate District, distinguished by the Name of the District of Balls Town.*

*And be it further Enacted by the same Authority, That the Freeholders and Inhabitants of each of the said Districts are hereby severally required and authorized annually on every first Tuesday in May to elect and choose the like District Officers as are annually elected and chosen by the aforesaid Act in the different Districts therein mentioned.*

*And be it further Enacted by the same Authority, That none of the Lines or Bounds by this Act assigned for the Limits of either of the said Districts, shall be deemed to take away abridge destroy or affect the Right and Title of any Body Politic or Corporate or of any Patentee or Patentees, or others holding under any Patentee or Patentees in any Manner or by any ways or Means whatsoever, neither shall they be deemed taken or construed as a Confirmation of the Bounds and Rights of any Patent or Patents whatsoever.*

## Chapter LXXIX.

(CHAP. 27, LAWS OF 1775.)

AN ACT to revive the two Acts therein mentioned for preventing Damages by Swine in the Manor of Rensselaerwyck.

PASSED the 1st of April 1775.

Certain  
Acts re-  
vived to  
Feb. 1, 1785.

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That the Act entitled. "An act to prevent Damages by Swine in that Part of the Manor of Rensselaerwyck therein mentioned." passed the twenty third Day of December one thousand seven hundred and sixty five; and the Act entitled. "An Act to prevent Damages by Swine in that Part of the Manor of Rensselaerwyck called Claverack." passed the thirtieth Day of December one thousand seven hundred and sixty nine, shall be and hereby are revived from the passing hereof until the first Day of February which will be in the Year of our Lord one thousand seven hundred and eighty five.*

## Chapter LXXX.

(CHAP. 28, LAWS OF 1775.)

AN ACT to encourage the destroying of Wolves and Panthers in the Counties of Albany, Ulster Orange and Dutchess.

PASSED the 1st of April 1775.

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly and it is hereby enacted by the Authority of the same* That from and after the passing, and during the Continuance of this Act every Person who shall actually take kill or destroy a Wolf or Wolves, Whelp or Whelps, Panther or Panthers within the Counties aforesaid, shall be intitled to and receive the Reward following, *that is to say, for every grown Wolf or Panther the Sum of three Pounds, and for every Wolf or Panther under the Age of one Year the Sum of thirty Shillings to be paid by the County Treasurers respectively, as shall be directed by this Act.* Reward for Killing Wolves and Panthers.

*And be it further Enacted by the Authority aforesaid,* That before any Person or Persons shall be intitled to any of the Rewards allowed by this Act, he or they shall carry the Head or Heads of such Wolf or Wolves, Whelp or Whelps, Panther or Panthers with the entire Skin thereon to any Justice of the Peace or any of the Supervisors dwelling in the said Counties, and the said Justice or Supervisor shall be and are hereby impowered directed and required to administer to every such Inhabitant an Oath, or if a Quaker an Affirmation in the Words following, "You A. B. do swear (or affirm) that the Wolf or Panther the Head whereof you now produce to me, was actually taken and killed within the County of ——— so help you God." Proof by production of head of Wolf, etc., killed.

And after the taking of such Oath or Affirmation, the said Justice or Supervisor, shall and hereby is impowered and required to give a Certificate thereof to such Person or Persons as have so sworn or affirmed as aforesaid, and such Justice or Supervisor dwelling and residing in the respective Counties aforesaid for administering such Oath or Affirmation, and giving a Certificate thereof under his hand, shall receive no Fee or Reward; and the said Justice or Supervisor in giving such Certificate, shall therein mention the Name or Names of such Person or Persons as have so sworn or affirmed that they had actually taken and killed such Wolf or Wolves, Whelp or Whelps, Panther or Panthers within the County where the same shall by the Oath aforesaid appear to have been taken or killed, and to distinguish whether the same were full grown; and the Ears on the said Wolves, Whelps or Panthers so certified are to be cut off in the presence of the said Justice or Supervisor, and such Certificate being produced to the Supervisors of the said County, the said Supervisors shall allow such Person or Persons as shall produce such Certificate as aforesaid all such Sum or Sums of Money as are allowed by this Act for destroying of Wolves Whelps or Panthers, and the said Reward shall be a County Charge, and shall be raised assessed and levied together with the other necessary and contingent Charges of the said Counties respectively. Oath to be taken, as to killing.

*And be it Enacted by the Authority aforesaid,* That the Supervisors of the said Counties respectively, shall and are hereby impowered required and directed to order the aforesaid Sum or Sums of Certificate to claimants.

Reward to be a county charge.

Rewards, how paid.

Money by this Act to become due, to be paid to the County Treasurer and the said Treasurer shall pay the same as shall be ordered and directed by the said Supervisors to such Person or Persons, or their assigns, as have so killed or destroyed such Wolf or Wolves, Whelp or Whelps, Panther or Panthers.

Act to apply to Indians and negroes.

*And be it further Enacted by the Authority aforesaid,* That every native free Indian, free Negro, or Slave, who shall have actually killed or destroyed any Wolf or Wolves, Whelp or Whelps, Panther or Panthers within any of the Counties aforesaid, and carry the Head or Heads thereof with the intire Skin thereon to any of the Justices or Supervisors of the County wherein such Wolves, Whelps or Panthers are killed or destroyed, and bring such Evidence, or give such Reasons to the Satisfaction of the said Justice or Supervisor that such Wolf or Wolves, Whelp or Whelps Panther or Panthers were killed within the said County where such Justices or Supervisors were appointed or chosen, in such Case the said Justice or Supervisor is hereby empowered required & directed to give a Certificate to the Master or Mistress of such Slave, or to any such Native or free Indian or free Negro in the same Manner and form as is herein before directed to be given, and such Master or Mistress native or free Indian or free Negro shall be intitled to & receive the same reward as is given by this Act as aforesaid, This Act to be in force from the passing thereof, until the first Day of January which will be in the Year of our Lord one thousand seven hundred and eighty five.

To continue in force to July, 1, 1786.

## Chapter LXXXI.

(CHAP. 29, LAWS OF 1775.)

AN ACT to continue an Act entitled "An Act for regulating the Practice of Inoculation for the small Pox in the City of Albany."

PASSED the 1st of April 1775.

Preamble. WHEREAS the above mentioned Act will expire on the first Day of May next by its own Limitation, and the same being found very necessary,

Act continued from May 1, 1775, to Jan. 1, 1786.

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That the said Act entitled "An Act for regulating the Practice of Inoculation for the Small Pox in the City of Albany," and every Clause Article Matter and Thing therein contained shall be and hereby is continued to be in full force from and after the first Day of May next, until the first Day of January which will be in the Year of our Lord one thousand seven hundred and eighty five, and from thence to the End of the then next Session of the General Assembly.

## Chapter LXXXII.

(CHAP. 80, LAWS OF 1775.)

AN ACT to revive an Act entitled "An Act for the more equal Taxation of Estates in the City of Albany."

PASSED the 1st of April 1775.

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That the Act entitled "An Act for the more equal Taxation of Estates in the City of Albany," passed in the fourth Year of his Majesty's Reign, shall be and hereby is revived from the passing hereof until the first Day of February which will be in the Year of our Lord one thousand seven hundred and eighty five. Act re-  
vived and  
continued  
to Feb. 1,  
1785.

## Chapter LXXXIII.

(CHAP. 81, LAWS OF 1775.)

AN ACT for altering the Time of keeping Fairs in the Town of Schenectady.

PASSED the 1st of April 1775.

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That the two Fairs to be held and kept in every Year in the Town of Schenectady by virtue of an Act entitled "An Act respecting Fairs in the Counties of Cumberland and Tryon" passed the eighth Day of March one thousand seven hundred and seventy three, shall for the future be held and kept as follow; The first to commence on the third Tuesday in June annually, and to continue until the Evening of the Thursday next ensuing and no longer, and the second Fair to commence on the first Tuesday in November annually, and to continue until the Evening of the Thursday next ensuing and no longer, any Law Usage or Custom to the Contrary hereof notwithstanding. Fairs,  
time for  
keeping  
of, altered.

## Chapter LXXXIV.

(CHAP. 82, LAWS OF 1775.)

AN ACT to raise a Sum not exceeding nine hundred Pounds in the County of Tryon, to compleat the Court House and Goal erected at John's Town in the said County.

PASSED the 1st of April 1775.

WHEREAS the Money raised to compleat the Court House and erect Preamble.  
a Goal at John's Town in the County of Tryon has been found  
insufficient,

Super-  
visors au-  
thorized  
to raise  
2000.

When to  
be levied  
and col-  
lected.

Trustees  
to receive  
and dis-  
burse  
monies.

Inspection  
of work, etc.

Account-  
ing by  
Trustees.

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That for compleating the said Court House and Goal the Supervisors of the said County, or the Major Part of them for the Time being shall, and they are hereby directed and required to order to be levied on the Freeholders and Inhabitants of the said County a Sum not exceeding nine hundred Pounds with an additional Sum of three Pence in every Pound for collecting the same; four hundred and fifty Pounds of the said nine hundred Pounds shall be raised in the first Tax that shall be levied after the passing of this Act, and the remainder thereof with the second Tax; which said Sum of nine hundred Pounds shall be raised levied and collected in the same Manner as the other necessary and contingent Charges of the said County are.*

*And be it further Enacted by the Authority aforesaid, That the Monies so to be raised by virtue of this Act, shall from Time to Time be paid by the several and respective Collectors of the said County unto Sir John Johnson Baronet, Daniel Claus, Hendrick Frey, John Butler and Robert Adams Esquires, who are hereby appointed Trustees for laying out of the said Sum of nine hundred Pounds for the Purposes aforesaid, and the said Trustees, or any three of them, shall and may from Time to Time, inspect examine and audit all the several and respective Accounts of Workmanship and Materials to be employed for and towards compleating the Court House and Goal beforementioned, and of the due Disposition of the said Sum of nine hundred Pounds or so much thereof as shall come into their Hands, they the said Trustees or any three of them appointed as aforesaid shall render a true Account upon Oath unto the Justices at the General Sessions of the Peace for the said County.*

## Chapter LXXXV.

[CHAP. 83. LAWS OF 1775.]

**AN ACT to revive an Act entitled "An Act to prevent Damages by Swine in Dutchess County" and for extending the same to the Counties of Tryon and Cumberland.**

PASSED the 1st of April 1775.

Act of 1774  
revived

to com-  
pense the  
losses to  
Swine

Act of  
1774  
revived  
to com-  
pense the  
losses to  
Swine

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That the Act entitled, "An Act to prevent Damages by Swine in Dutchess County" passed in the nineteenth Year of his late Majesty's Reign, shall be and hereby is revived, and every Clause Article and Thing therein contained directed to be and remain of full Force and Virtue to all Intents Constructions and Purposes whatsoever until the first Day of January which will be in the Year of our Lord one thousand seven hundred and seventy*

*And be it further Enacted by the Authority aforesaid, That the said Act so as aforesaid revived and every Clause Article Matter and Thing therein enacted and contained, shall be and hereby is extended to the Counties of Tryon and Cumberland, any Thing in the said Act contained to the contrary notwithstanding.*



## Chapter LXXXVI.

(CHAP. 84, LAWS OF 1775.)

AN ACT to alter Part of the Lines that divide the Counties of Albany, Charlotte, and Cumberland.

PASSED the 1st of April 1775

WHEREAS by a certain Act entitled "An Act to divide the County of Albany into three Counties" passed the twelfth Day of March one thousand seven hundred and seventy two, certain Lines and Bounds were established between the Counties of Albany, Charlotte and Cumberland; some of which have been found extremely inconvenient.

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same* That so much of the first Clause of the said Act as is contained in the Words following, *to wit*, "Until it intersects a North Line drawn from that High Falls on Hudson's River which lays next above Fort Edward, thence South to the said Falls, thence along the East Branch of Hudson's River" shall be and hereby is repealed; and that in lieu of so much of the said Lines and Bounds as are described in the Words aforesaid, the following Lines and Bounds shall be substituted, *to wit*, "to the East Side of the most Easterly Branch of Hudson's River, thence along the Easterly Bank of said Branch and Hudson's River" any Thing in the said Act to the contrary hereof notwithstanding. And that a Line beginning in the North Boundary Line of the Province of Massachusetts's Bay at the South West Corner of the Township of Readesborough, and running thence along Part of the Westerly Bounds thereof to a certain Tract of Land granted to George Brewerton Junior and others, and erected into a Township by the Name of Leinster, thence along the Southerly and Westerly Bounds of the said Tract of Land to the North West Corner of the same, thence on a direct course to the South Easterly Corner of the Township of Princetown, thence along the Easterly Bounds of the same Tract as it runs to the North Easterly Corner thereof, and thence on a direct Course to the Southerly Corner Bounds of the Township of Hulton, where it meets with and is intersected by the West Boundary Line of the County of Cumberland as established in and by the Act herein before mentioned; shall be the Westerly Boundary Line and Lines of the said County of Cumberland in all Places so far as the same is altered by this present Act, any Thing in the said Act to the contrary hereof notwithstanding.

Preamble.  
Part of Act of March 12th, 1772, repealed.

Same Act amended, by substituting new division lines.

Westerly boundary lines of Cumberland Co.

## Chapter LXXXVII.

(CHAP. 85, LAWS OF 1775.)

AN ACT to prevent Causes being tried in Taverns by Justices of the Peace in the County of Cumberland.

PASSED the 1st of April 1775.

WHEREAS by a Law of this Colony every Justice of the Peace is empowered to hold a Court for the Tryal of Causes to the Value of

Preamble.

five Pounds and under. *And Whereas* such Courts have been frequently held at Taverns in the said County, to the great Prejudice of the Suitors and Damage of the Inhabitants, for Remedy whereof.

Holding of  
Justices  
Courts in  
Taverns,  
prohibited

Penalty  
for viola-  
tion  
hereof.

Penalties  
recovered,  
how ap-  
plied.

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That from and after the second Tuesday in June next, it shall not be lawful for any Justice within the said County to hold his Court at a Tavern, and every Justice of the Peace who shall hold his Court at a Tavern shall for every Offence forfeit ten Pounds, and all the Proceedings of the said Court are hereby enacted and declared to be Null and Void, which Forfeiture shall be sued for and recovered with Costs of Suit by any Person or Persons in any Court of Record within this Colony one half for the Use of the Person or Persons who may sue for the same, and the other half for the Poor of the Township or District where such Offence shall be committed.

## Chapter LXXXVIII.

(CHAP. 86, LAWS OF 1775.)

AN ACT for annexing the two Tracts of Land therein mentioned to the Township of the New Paltz in Ulster County.

PASSED the 1st of April 1775.

Preamble. *WHEREAS* the Tract of Land granted by Letters Patent to Noah Eltinge and Nathaniel Lafever, and the Tract granted to Anne Mullinder commonly called Mullinder's Tract lay contiguous to the Town of the New Paltz in Ulster County, and it will be much more convenient for the Inhabitants residing on those Tracts to attend the annual Elections of Precinct Officers, and perform other the Public Duties required of them by Law in the Township or Precinct of the New Paltz, than in that to which they now belong.

Mullin-  
der's tract,  
and El-  
tinge-La-  
fever  
Patent,  
annexed  
to New  
Paltz.

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That the said two Tracts of Land shall be and hereby are annexed to and made Part of the Township or Precinct of the New Paltz, and the Inhabitants residing or to reside thereon shall enjoy the same Privileges and be subject to the same Duties as other the Inhabitants of the said Township or Precinct enjoy or are subject to by any former Law of this Colony, any Law Usage or Custom to the contrary in any wise notwithstanding.

## Chapter LXXXIX.

(CHAP. 87, LAWS OF 1775.)

AN ACT for enabling the Persons therein named to finish the Court House and Goal in Ulster County and other Purposes therein mentioned.

PASSED the 1st of April 1775.

Preamble. *WHEREAS* a Sum of Money was raised by virtue of an Act of the Legislature, for repairing the Court House and Goal in Ulster County, which has proved insufficient to compleat the same,

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly and it is hereby enacted by the Authority of the same* That the Supervisors of the said County shall at their next annual Meeting for raising the contingent Charges of the said County; order the raising a further Sum not exceeding four hundred Pounds; to be raised levied and collected in the same Manner as the other necessary and contingent Charges of the said County are by Law directed.

Super-  
visors au-  
thorized  
to raise  
£400.

How  
levied and  
collected.

*And be it further Enacted by the Authority aforesaid,* That the Monies so to be raised by virtue of this Act shall from Time to Time be paid by the Collectors of the respective Towns Manor and Precincts within the said County into the Hands of the County Treasurer as the same shall come into their Hands; to be by him paid to Direk Wynkoop Junior, Johannes Sleght, Abraham Low, John Beekman, and John Elmendorph or any three of them, who are hereby appointed Commissioners for compleating the said Court House and Goal, and for reimbursing the Sum of Money already advanced by them in repairing the same, over and above the Sum heretofore raised for that Purpose, and also for digging and making a Well near the said Court House, and making such other useful and necessary Repairs as by the said Commissioners or the major Part of them shall be thought most convenient and proper, which said Commissioners shall and are hereby required to render a just and true Account on Oath of the Trust hereby reposed in them to the Supervisors of the said County after the Completion of the said Court House and Goal and other Repairs.

Payment  
of monies  
collected,  
to County  
Treasurer

Commis-  
sioners to  
expend  
the same.

To render  
account  
therefor.

*And be it also Enacted by the same Authority,* That in Case the Monies so to be raised by virtue of this Act, should exceed the Sum to be expended for the Purposes herein mentioned, such Excess shall be repaid by the Commissioners into the Hands of the County Treasurer, to be disposed of by the said Supervisors for the use of the said County in such Manner as to them shall seem most convenient.

Excess of  
monies, to  
be repaid  
to Co.  
Treasurer.

## Chapter XC.

(CHAP. 88, LAWS OF 1775.)

AN ACT for removing the Prisoners from the old Goal in the Precinct of Goshen in the County of Orange, to the new Goal built in the said Precinct.

PASSED the 1st of April 1775.

WHEREAS a new Court House and Goal in the Town of Goshen in the County of Orange has been lately erected, with proper and commodious Appartments therein for the safe Custody of Prisoners, and it is expedient that the Prisoners now confined in the Goal in the Town of Goshen aforesaid should be removed from thence to, and confined in the said new Goal.

Preamble.

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same* That the new Court House and Goal aforesaid and the Appartments therein shall be a Goal or Goals of and for the said County of Orange, and that the Sheriff of the said County for the Time being shall

Sheriff,  
when to  
remove  
prisoners  
to apart-  
ments in  
new Court  
House.

Order for removal.

Sheriff not liable to action of escape, in removing prisoners.

May plead General Issue.

Sheriff to be liable for escapes of prisoners, unless re-confined in 60 days.

have the keeping of the same, and shall remove all his Prisoners from the old Court House and Goal aforesaid to the new Court-House and Goal, when and as soon as one of the Judges of the Court of Common Pleas, and two of his Majesty's Justices of the Peace for the said County by order in Writing under their respective Hands and Seals to be served on the said Sheriff shall direct, and shall there keep them the said Prisoners and every of them in safe Custody until they be respectively discharged by due Course of Law.

*And be it further Enacted by the Authority aforesaid* That the said Sheriff shall not be liable to any Action or Actions of escape or other Actions at Law for the removing of the said Prisoners or either of them, and that if any Action Plaint Suit or Information, shall be commenced or prosecuted against the said Sheriff for removing the said Prisoners or either of them in Pursuance of this Act that it shall and may be lawful for him to plead the General Issue; and upon any Issue joined may give this Act and the Special Matter in Evidence, and if the Plaintiff or Prosecutor shall become nonsuit, or forbear further to prosecute, or suffer a Discontinuance, or if a Verdict pass against the Plaintiff, the Defendant shall recover double Costs, for which he shall have like Remedy as in Cases where Costs by Law are given to Defendants.

*Provided always and it is hereby enacted*, That in Case any Prisoner or Prisoners shall escape from the Custody of the said Sheriff in the Time of his her or their Removal, and the said Sheriff shall not retake him her or them, and actually confine such Prisoner or Prisoners in the new Goal or Goals provided as aforesaid, within sixty Days after such Escape made, the said Sheriff shall be liable to all Actions for such Escape or Escapes in the same Manner as he would have been if this Act had not been made.

## Chapter XCI.

(CHAP. 89, LAWS OF 1775.)

AN ACT for an indulgence to Persons of Scrupulous Consciences in the manner of Administring Oaths.

PASSED the 1st of April 1775.

Preamble.

WHEREAS a considerable Number of his Majesty's Subjects have preferred sundry humble Petitions to the General Assembly, setting forth the great Hardships they suffer on Account of their scrupling to use the common Ceremony of laying the Hand upon and kissing the Book, when they are called to make Oath, and soliciting to be indulged in using no Other Ceremony than that of holding up the Right Hand, according to the Custom of that Part of Great Britain called Scotland, *And Whereas* it is most conducive to the Discovery of Truth to exact Oaths with such Solemnities as the Persons taking them conceive to be most binding, *And Whereas* it is most agreeable to the mild Genius of the British Constitution, and highly expedient for promoting the Welfare of this Colony, as well as just in itself to give all due Indulgence to his Majesty's Subjects in Matters relating to Conscience.

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That all Oaths administred or to be administred only with the Ceremony of holding up the right Hand shall be deemed and adjudged in all Cases to be corporal Oaths, as valid as if they were administred with the Ceremonies used in England, and that Persons swearing falsely with the aforesaid Ceremony of holding up the right Hand, shall be deemed guilty of wilful and corrupt Perjury, and suffer accordingly.

“Corporal” oaths defined.

Persons falsely swearing thereby, deemed guilty of perjury.

*Provided always,* That such Persons only shall have the Indulgence allowed by this Act, as shall produce a Certificate of their being of that religious Persuasion commonly distinguished by the Name of the Associate Presbyteries and Synods (who publicly and notoriously object to corporal Oaths administred in the English Form,) and that they are of good Fame and Reputation, which Certificate shall not only be signed by the Minister but by the Majority of the Elders and Deacons of that Congregation, to which the Person having such Certificate shall at the Date thereof belong, or of that Congregation nearest to his then Place of Residence being of the Persuasion or Denomination aforesaid.

Indulgence, in use of corporal oaths, allowed to persons of Associate Presbyteries only

Certificate of reputation, from Minister, etc.

*And be it further Enacted by the Authority aforesaid,* That the signing of the aforesaid Certificate being proved before one of Judges of the Inferior Court of Common Pleas of the County in which the said Congregation is, and attested under the hand of such Judge shall be sufficient in all Courts without further Proof, to intitle the Persons in whose Favor such Certificate was given, to the Indulgence granted by this Act.

Certificate, how proved and attested.

## Chapter XCII.

(CHAP. 40, LAWS OF 1775.)

AN ACT to revive the two Acts therein mentioned relative to the bringing in and spreading infectious Distempers in this Colony.

PASSED the 1st of April 1775.

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That the Act entitled “An Act to prevent the bringing in and spreading of infectious Distempers in this Colony,” passed the twenty fourth Day of March one thousand seven hundred and fifty eight, and the Act entitled “An Act to revive an Act entitled An Act to prevent the bringing in, and spreading infectious Distempers in this Colony with an Addition thereto,” passed the thirteenth Day of December in the Year of our Lord one thousand seven hundred and sixty three, shall be and hereby are revived and every Article Matter and Clause therein contained enacted to be and remain in full Force from the passing hereof until the First Day of February which will be in the Year of our Lord one thousand seven hundred and eighty five, and from thence to the End of the then next Session of the General Assembly.

Certain Acts to prevent spreading infection, revived.

To continue in force to Feb. 1, 1785.

## Chapter XCIII.

(CHAP. 41, LAWS OF 1775.)

AN ACT to revive an Act entitled "An Act to oblige the Justices of the Peace at their General or Quarter Sessions to determine Appeals made to them according to the Merits of the Case notwithstanding Defects of Form in the original Proceedings; and to oblige Persons suing forth Writs of Certiorari, to remove Orders made on such Appeals into the Supreme Court of this Colony to give Security to prosecute the same to Effect."

PASSED the 1st of April 1775.

*Be it Enacted by his Honor the Lieutenant Governor, the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That the Act entitled "An Act to oblige the Justices of the Peace at their General or Quarter Sessions to determine Appeals made to them according to the Merits of the Case notwithstanding Defects of Form in the original Proceedings; and to oblige Persons suing forth Writs of Certiorari to remove Orders made on such Appeals into the Supreme Court of this Colony; to give Security to prosecute the same to Effect," passed in the twelfth Year of his present Majesty's Reign shall be, and hereby is revived, and every Clause Matter and Thing therein contained, enacted to be in full force until the first Day of February which will be in the Year of our Lord one thousand seven hundred and eighty five.

Act of 12th  
Geo. III.,  
revived.

To con-  
tinue in  
force to  
Feb. 1, 1785.

## Chapter XCIV.

(CHAP. 42, LAWS OF 1775.)

AN ACT to discourage Tortious Entries and Possessions.

PASSED the 1st of April 1775.

*Preamble.* WHEREAS Persons trespassing upon Lands often defend against Suits brought for the same under feigned Pretences, until Judgment passes for the Plaintiff and then abscond or taking Advantage of the contracted Limits of the Colony, escape to other Provinces to the great Injury of the Plaintiff or true Proprietors for want of Bail given by the Defendant at the Commencement of the Suit.

*Certain plaintiffs entitled to special bail.* *Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly and it is hereby enacted by the Authority of the same,* That the Plaintiff or Plaintiffs shall in all such Actions of Trespass be intitled to special Bail and that an *Ac-action* or proper Clause for that Purpose may be accordingly inserted in the first Process, and that the Plaintiff or Plaintiffs shall have all the Advantages as well thereupon, as upon the Bail Bonds, that may be taken on the Arrest as in Assumption and other Actions where the Defendant is held to Bail, and that both Parties shall be subject to such discretionary Rules and Orders of Court respecting such Suits in Trespass and on the Bail Bonds as are used in other Cases.

Certain  
plaintiffs  
entitled to  
special  
bail.

Clause  
therefor  
to be in-  
serted in  
first pro-  
cess

## Chapter XCV.

(CHAP. 48, LAWS OF 1775.)

AN ACT for giving Remedy where Defendants in Courts of Equity neglect to enter their Appearances after being served with a Subpœna and cannot be served with Process of Contempt.

PASSED the 1st of April 1775.

WHEREAS Mortgagors residing in this Colony who have been served with Subpœnas to appear upon Bills filed against them in the Court of Equity for the said Colony, have been guilty of many Frauds in refusing or neglecting to enter their Appearances upon such Bills, and secrete themselves within the said Colony, in such a Manner that no Process of Contempt can be served upon them, whereby Mortgagees are prevented from recovering their just Debts, and the Course of public Justice is impeded, *And Whereas* it is highly expedient that a Remedy should be provided in this Behalf. Preamble.

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That where any Bill has been or hereafter shall be filed by any Mortgagee or Mortgagees in the Court of Equity for this Colony, and the Mortgagor or Mortgagors, his or their Grantees, Heirs or Devisees, after being regularly served with a Subpœna or other Process to appear, shall neglect or refuse to enter his her or their Appearance and cannot be taken upon at Attachment, Attachment with Proclamations, and Commission of Rebellion regularly issued against him her or them to the Sheriff of, and Commissioners in, the County where such Mortgagor or Mortgagors his or their Grantees Heirs or Devisees resided, or were found when such Subpœna or Process was served as aforesaid, that then and in such Case the said Court wherein such Bill was filed, shall and may upon the Return of the said Commission of Rebellion, make an Order directing such Mortgagor or Mortgagors, his or their Grantees Heirs or Devisees to appear in the said Court within a certain Time therein to be limited, a Copy of which shall within twenty Days be inserted in one of the public News Papers in this Colony, and a Copy of the same Order shall also be posted up within the Time aforesaid at the Parish Church or Place of Public Worship, or where there shall be no Parish Church or Place of Public Worship, at some other Public Place in the Parish, District or Precinct in which such Mortgagor or Mortgagors his or their Grantees Heirs or Devisees resided or were found when such subpœna was served as aforesaid, and if such Mortgagor or Mortgagors his or their Grantees Heirs or Devisees shall not appear in the said Court within the Time limited by the said Order, then the said Court shall and may upon being satisfied that the said Order was duly published, order that the Complainant's Bill be taken *pro confesso*, and thereupon such further Decree shall be made, and such Sale and other Proceedings be had as in and by an Act entitled "An Act for making Process in Courts of Equity effectual against Mortgagors who abscond and cannot be served therewith, or who refuse to appear," are directed and limited in Cases of Bills being taken *pro confesso*, in Suits commenced and prosecuted in pursuance of the said Act. This Act to continue

Mortgagors, neglecting to enter appearance, after service with subpœna, etc., how required by order of Court to appear.

Copy of order, how published and posted

Court, upon neglect to appear, may order Complainant's Bill to be taken *pro confesso*. Proceedings to issue therefor.

to the first Day of February in the  
seven hundred and seventy eight,  
at the next Session of the General

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## Act XCVI.

(LAWS OF 1775.)

Act entitled "An Act to restrain  
within this Colony from selling  
in addition thereto.

PASSED the 1st of April, 1775.

Act of 12th  
Geo. III.  
reviv'd.

To con-  
tinue in  
force to  
Feb. 1. 1780.

Printed

Certain  
pages  
of  
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act

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That the Lieutenant Governor the Council and the  
Assembly enacted by the Authority of the same,  
an Act to restrain Hawkers and Pedlars  
selling without Licence," passed the twenty  
thousand seven hundred and seventy,  
reviv'd, and every Clause Matter and Thing  
to be and remain in full force until the  
which will be in the Year of our Lord one  
and seventy six, and from thence to the End  
of the General Assembly.

Further Enacted by the same Authority, That  
any Person who shall be convicted of selling  
without Licence, or for refusing to shew  
the third Clause of said Act, shall hence-  
forth to be recovered as directed by the said Act,  
the one Moiety to the Informer, and the other Moiety to the  
Highways for the Town Manor Precinct or Dis-  
trict whereof, any Thing in the said Act to the con-  
trary notwithstanding.

Enacted by the same Authority, That if any Hawker  
or Pedlar of Goods Wares or Merchandize whatso-  
ever without the Leave and Permission of the Person  
to whom he shall be thereof accused by any Person, and  
the Justice of the Peace of this Colony, he shall  
be convicted and pay the Sum of five Pounds; which  
Sum shall be required and directed to hear and finally  
decide and give Judgment and award Execution in the  
Court depending on the Trial of Causes of the value of  
the Goods before Justices of the Peace, the one half of  
the Sum to go to the Person suing for the same, and the  
other half to the Overseers of the Poor in the District where such  
Goods shall be sold, to be by the Overseers of the Poor applied  
to the use of such District, any Law Usage or Custom to  
the contrary notwithstanding.



## Chapter XCVII.

(CHAP. 45, LAWS OF 1775.)

AN ACT for the better laying out regulating, and keeping in repair the Public Roads and Highways in the City and County of Albany and County of Tryon.

PASSED the 3d of April 1775.

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly and it is hereby enacted by the Authority of the same,* That from and after the passing and during the continuance of this Act the Persons herein after named, together with all such Persons as have been appointed Commissioners by the Court of General Sessions in either of the said Counties since the sixth Day of February one thousand seven hundred and seventy three; shall be and hereby are appointed Commissioners, in the Districts for which they are named or appointed, for regulating the Highways and Public Roads already laid out, and for regulating such other Highways and Public Roads as may be necessary within the said City and Counties, *that is to say:*

For the City of Albany, the Mayor Recorder Aldermen and Commonalty of the said City. Commissioners for regulating Public Roads, designated.

For the District of the Manor of Livingston, Robert Livingston Junior, Robert R. Livingston, Peter R. Livingston, Walter Livingston and Dirck W. Ten Broeck Esquires. For Albany City.

For the District of the German Camp, John Curts, Peter Sharp and Peter Cosper Esquires. Livingston Manor.

For the District of Claverack, Robert Van Rensselaer, Peter Van Ness, Casparus Conyn, Isaac Vosburgh Junior, John Van Alen, William Henry Ludlow, Richard Esselstyn, Henry Dible, Martin Crumb, and Abraham Carly. German Camp.

For the District of Kinderhook, Peter S. Van Alstyn, Frans Van Beuren, Lucas J. Goes, Cornelius Van Schaack Junior, and Melgert Vander Pool. Claverack District.

For King's District, William Bradford Whiting, James Savage, Nathaniel Culver, Samuel Baldwin, Robert Bullis, and Isaac Peabody. Kinderhook District.

For the District of the Manor of Rensselaerwyck, Rensselaer Nicoll, Killyaen Van Rensselaer, Abraham Ten Broeck, John H. Beekman, Teunis Slingerlandt, Stephen Schuyler, Lucas Van Veghten, Stephen J. Schuyler and Anthony Van Schajck. King's District.

For Schactakoke District, Johannes Knickerbacker Junior, Marte Winne, John Groesbeek and Dirck Van Veghten. Rensselaerwyck Manor.

For Hosick District, Daniel Bradt, John Munro, Bliss Willoughby, Cornelius Van Ness, Ebenezer Cole, John Abbot, and John McComb. Schactakoke District.

For Cambridge District, Josaiah Younglove, Thomas Morrison and Archibald Campbell. Hosick District.

For Saraghtoge District, Philip Schuyler, Killian DeRidder, Jonathan Jones, Jacobus Swart, George Palmer, Dirk Swart, Cornelius Vanderbergh, Jeremiah Taylor and Nathan Tift. Cambridge District.

For Half Moon District, Guert Van Schoonhoven, Cornelius Tymes, Nicholas Fisher, Abraham Fort, and Hendrick Van der Werken. Saraghtoge District.

For Schenectady District Isaac Vrooman, Ryer Schermerhorn, John Glen, Christopher Yates, Abraham Wempel, & John Cuyler Junior. Half Moon District.

Schenectady District.

**Duanesburgh and Schoharie.** For the united District of Duanesburgh and Schoharie, Johannes Lawyer, Hendrick Hanes, Jacob Sternbergh, Herman Sidney, Peter Snyder, George Man and Peter Ziele.

**Cocksackie District.** For Cocksackie District Anthony Van Bergen, Jacob Hallenbeek, Teunis Van Veghten, Casper M. Halenbeek, and Henry Hoogteling.

**Great Imboght.** For the Great Imboght District, John Ten Broeck, Abraham Pearse, Goose Van Schajck, John Van Norden and John B. Dumont.

**In Tryon County.** And for the Districts in the County of Tryon vizt:

**Mohawk District.** For Mohawk District, Sir John Johnson, Baronet, Guy Johnson, Jellis Fonda, John Butler, and Christian Ernest.

**Palatine District.** For Palatine District, Harmanus Van Slyck, Jacob Klock, John Frey, Adam Louks and Isaac Paris.

**Canajoharie District.** For Canajoharie District Hendrick Frey, Nicholas Herkemer, William Seeber, Robert Wells and Frederick Young.

**Kingsland District.** For Kingsland District Marcus Petri, Nicholas Weaver and John Cunningham.

**German Flats District.** For the German Flats District, John Jost Herkemer Junior, Rudolph Schumaker, Peter Ten Broeck, and Frederick Orendorf.

**Duties and powers of Commissioners.** *And be it Enacted by the Authority aforesaid, that the Commissioners in the respective Districts, for which they are named and appointed Commissioners are hereby impowered and authorized to regulate the Roads already laid out, and to lay out such other Public Roads in the several Districts for which they are appointed Commissioners as to them shall seem necessary and convenient; and if need be to take a Review of the Roads already laid out, and such of them as appear to be really inconvenient, the said Commissioners shall and may alter and lay out such other Public Ways and Roads as they shall think most convenient as well for Travellers as for the Inhabitants of the next adjacent District. Provided that Nothing in this Act contained shall extend or be construed to impower the Commissioners aforesaid to lay any new Road through any inclosed or improved Lands without either the Consent of the Owners thereof, or paying the true Value of the Lands so laid out into an Highway, and if any Dispute shall arise by that Means, the same shall be determined, and the true Value set and appraised by two Justices of the Peace not being Commissioners in the District where the Dispute shall happen and by the Oath of twelve of the Principal Freeholders of the Neighbourhood not having any Interest in the Lands about which such Dispute may arise, the said Freeholders to be summoned by one of the Constables of the said County by virtue of a Warrant to be issued by the said two Justices for that Purpose, and if the said Roads by the Commissioners so laid out shall be found by such Jury to be Public Roads and of Public and general Benefit, then the Value of such cleared and improved Lands through which the said Roads shall be laid out shall be paid by the said Commissioners, and they are hereby required to pay the same together with the Charge of calling a Jury, their Verdict and the whole Proceedings thereon had, of which Valuation and Charges the Commissioners shall transmit an Account to the Supervisors of the said City and County at their next meeting who are hereby required to cause the same together with the Collectors Reward for collecting the same, to be rated Assessed and levied, as a Public contingent District Charge and to be paid by the Collector into the Hands of any one of the Commissioners for such District in which it shall be directed to be levied deducting therefrom his Reward for collecting the same; But if the Roads so laid out shall be found by such Jury to be private Roads, and for the particular convenience of*

**Laying out new roads, through improved lands, provisions as to.**

**Jury to determine necessity of roads, and Damages in cases of dispute.**

**Awards and charges for public roads, how raised and collected.**

one or more particular Person or Persons, then such Person or Persons requiring the same shall defray the whole Charge of the Value of the said cleared or improved Lands, to be paid to the Person or Persons injured and through whose cleared or improved Lands a private Road shall be laid, together with the Charge of calling the Jury and of their Verdict and of the whole Proceedings thereon had, which shall be certified by such Justices.

*And be it further Enacted by the Authority aforesaid,* That the Overseers of the Highways in each District respectively or any one of them are hereby empowered directed and required to order such a Number of the Inhabitants of said District with their Sleds, Horses or Oxen as they the said Overseers, or any one of them shall think sufficient and proper to break up the Roads where deep Snows happen to fall, and if any Person or Persons being ordered as aforesaid, shall refuse to break up said Road, such Person or Persons shall respectively forfeit the Sum of ten Shillings for every Day they shall so neglect or refuse said Service, to be levied by the Overseer requiring the same, in like Manner as the Forfeiture mentioned in the tenth Clause of this Act is directed to be recovered; and the said Forfeiture of ten Shillings shall be paid to the Clerk of the Commissioners of the Highways for the District where such Forfeiture shall arise, to be by them applied in the Manner directed by the eleventh Clause of this Act.

*And be it Enacted by the same Authority,* That if any Person or Persons within the said City and Counties do, or hereafter shall without the Consent of the Commissioners for the District to which they are by this Act appointed Commissioners, alter, stop up, or lessen any Highway or Road that has heretofore been laid out by former Commissioners according to Law, or shall hereafter be laid out by the Commissioners appointed or to be appointed by this Act, such Person or Persons so offending contrary to the Meaning of this Act, shall for every such Offence forfeit the Sum of five Pounds to be recovered before any Justice of the Peace upon the Oath of any one credible Witness, and levied by Warrant from any Justice of the Peace directed to any Constable of the District where such Offence shall be committed commanding him to distrain the Goods and Chattels of the Offender, and the said Constable after six Days Public Notice given by him of the Time of Sale of said Distress, shall make Sale thereof, and out of the Produce deduct the said Forfeiture and all the Charges, and return the Overplus if any there be to the Owner or Owners, and the said Constable is hereby required to pay the said Forfeiture into the Hands of the Clerk of the Commissioners of the Highways for the District wherein the Offence was committed, to be by the Commissioners thereof applied in the same Manner as the other Monies to be raised by this Act are in the eleventh Clause thereof directed to be applied.

*And in order that the Burthen of keeping the Highways in the said City and Counties in repair, and the making other Highways for the Ease Benefit and Safety of the Inhabitants may be as equitably proportioned between the Inhabitants thereof as the Nature of the Case will admit, Be it further Enacted by the same Authority,* That the Commissioners of each District respectively shall and are hereby required to meet annually between the second Tuesday in April and the second Tuesday in May at the Place of Election for District Officers, and on such a certain Day as they shall agree upon, and as often thereafter as need shall be, at such Times and Places as they shall think meet; and at their first Meeting, they shall proceed to make a List of all the Inhabitants in their District liable by this Act to work on the

Awards and charges in case of private roads, how paid.

Overseers of Highways, to break up roads, when deep snows fall.

Penalty for refusal to perform work.

How recovered, and applied.

Penalty for unauthorized altering, or stopping up highways.

How recovered.

Recovery how applied, by Highway Commissioners.

Commissioners to meet annually, and make lists of persons liable to highway labor.

List to include number of days which each person is liable to work.

List how signed, and posted up.

Additions to list, when authorized.

Limitation of assessment.

Unimproved, non-resident lands, through which roads run, how rated.

How entered.

Rate, how recovered and applied.

Right of tenants, to reserve road rates paid, from rents.

Highways, and shall then proceed either on that Day, or as soon thereafter as the said List shall be compleated to affix to each Persons Name the Number of Days that such Person shall be liable to work on the Highways for the Year ensuing, Copies of which List so compleated and signed by the Commissioner's Clerk, shall be put up in two of the most Public Places within the District, one of which to be the Place where the Preceding Election for District Officers was held, to the Intent that all the Inhabitants may know how many Days Labour they are respectively rated. *Provided always* That if any person's Name should be left out of such Lists, or the District increase by the Accession of New Inhabitants, such Omission and Increase shall from Time to Time be added to the said List, and the Persons be rated by the said Commissioners to work on the Highways, *Provided also*, That it shall not be in the Power of the Commissioners to rate any one Person rateable by this Act, at more than twenty five Days annually.

*And Whereas* several of the Districts in this Act mentioned contain Tracts of unimproved Land the Value of which Increases in Proportion as the Highways and Public Roads running through the same to settlements beyond them, are made better and more convenient for transporting the Produce of the Country, *and whereas* it is extremely Unreasonable that the Proprietors of such Lands should be benefited at the Expence of actual Settlers, who are in general in low circumstances.

*Be it therefore Enacted by the Authority aforesaid* that where any Road runs through any Lands the Proprietor whereof does not actually reside in the District, and which are not let to Persons actually residing thereon, that it shall and may be lawful to and for the Commissioners of the Highways for the District to rate the said Lands the Sum of three Pence per Annum for every Chain in length that such Land lies adjoining to every such Highway or Public Road, and the Amount thereof to enter in a Book to be by their Clerk kept for that Purpose, and when all such Lands in any District are so rated and entered in such Book, the Commissioners shall subscribe their Names thereto, to the Intent that if the Proprietor or Proprietors or any Person or Persons holding or to hold under him or them should at any Time thereafter make a settlement on such Land so adjoining to any Highway or Public Road, that then the Sum in Arrear if a Settlement is made by the Proprietor; or a sum proportionable to the Extent of such Settlement if made by a Tenant, along such Highway may be recovered by the Commissioners appointed or to be appointed by or under this or any future Act and it shall and may be lawful to and for such Commissioners so appointed or to be appointed as often as any Settlement so made on such Lands so rated as aforesaid the Money that shall be in arrear to recover Twenty days after notice of the sum due and demand thereof and neglect to pay the same, by Warrant under their Hands and Seals directed to any of the Overseers of the Highways for the Time being requiring him to levy by Distress and Sale of the Goods and Chattels of the Person in possession of such Lands the Sum so in arrear, and the Overplus after deducting the charges to return to the Owner, and all Monies that shall from Time to Time arise by virtue of this Clause, shall by the Commissioners be applied as directed in the eleventh Clause of this Act *Provided always*, that it shall and may be lawful to and for any Tenant or Tenants upon whom any Money shall be levied by virtue of this Clause to deduct or reserve the same from any Rents that may then

be due or become due to the Proprietor or Proprietors of such Lands so rated. *Provided always* that no Proprietor or Tenant of Lands be Subjected in pursuance of this Act to the payment of any greater annual Rate or assessment than the sum of Five pounds. Limitation.

*And Whereas* it may be necessary to build new or repair old Bridges in some of the said Districts. *Be it therefore Enacted by the same Authority*, That such Persons as by this Act are liable to work on the Highways, and who are Carpenters and Masons and who may be employed as such by the Commissioners, shall for every Day they Work at such their Trade on the said Highways, be allowed two Days in Lieu of the Days that they were rated by the said Commissioners. But whereas it may so happen that neither the Labour of such Carpenters or Masons, nor the Monies arising by Fines Forfeitures or Compositions, will be sufficient effectually to build or repair such Bridges, and to answer the other necessary Exigencies that may arise, *Be it therefore Enacted by the same Authority*, That in such Case the Commissioners shall procure a certified Copy of the List of the preceding Assessment for the District, and shall then proceed to affix to each Persons Name the just Proportion of such Deficiency together with a reasonable Reward for the Collector according to the Rates in the said Assessment, and the same being so affixed they shall cause the same to be delivered to one of the Collectors of the District who shall within thirty Days thereafter levy and collect the same in like Manner as the other District Charges are usually levied and collected, and the said Deficiency being so collected, the Collector shall within ten Days thereafter pay the same to the Clerk of the Commissioners to be by them applied as directed in the eleventh Clause of this Act; *Provided always* that such Deficiency shall in no one Year exceed the Sum of twenty Pounds. Carpenters and Masons, allowed two days for every days work.  
  
Extraordinary assessment, in case of deficiency in amount of labor, for bridges, etc.  
  
Limitation.

*And Whereas* it may in some Cases be absolutely necessary to expend such a Sum of Money in one Year as that the Deficiency would exceed the said Sum of twenty Pounds, *Be it therefore Enacted by the same Authority*, That in Case the Commissioners shall think it necessary to carry on a Work which would cause a greater Deficiency than twenty Pounds, they shall and are hereby required to apply to any two Justices of the Peace not being Commissioners of the Highways in the District, who shall cause three Weeks Notice to be given by at least three Advertisements, appointing a Time and Place for the Persons rateable by this Act to meet, and by a Majority of Voices to determine whether they will or will not agree to the Proposal of the Commissioners, which Proposals shall be contained in the said Advertisements, together with a Computation of what such Expence will amount to, and if it appears that a Majority of such rateable Persons approve of the Proposals of the Commissioners, and determine on the Sum to be allowed, the Justices shall then give a certificate thereof subscribed by themselves, and countersigned by at least three of the Principal Freeholders then present, which Certificate shall be directed to the Commissioner of the District, and the said Commissioner shall thereupon at their next Meeting cause the same to be levied collected and paid in like Manner as the Deficiency mentioned in the preceding Clause of this act, is directed to be levied collected and Paid. *Provided always*, That no greater Sum shall be raised by virtue of this Clause in any one Year than one hundred Pounds. Proceeding to raise sum exceeding £20, with assent of inhabitants.  
  
Public notice of meeting.  
  
Certificate of result.  
  
Amount how levied and collected.  
  
Limitation.

*And be it further Enacted by the Authority aforesaid*, That upon Complaint made to any Justice of the Peace by any Person that the High-

Highway Commissioners, may be summoned to answer complaint, for neglecting roads.  
Jury to inquire into complaint.

Fine, when to be imposed and collected.

Jury to give damages to Commissioners, in case complaint is frivolous.

Security to be given for costs, etc.

Persons warned to work on roads, duty of.

Penalty for neglect, etc.

How recovered and applied.

Monies raised under Act, how applied by Commissioners.  
Clerk of Commissioners, payment of.  
Commissioners to account for receipts and expenditures.

ways in any District are not kept in sufficient repair, it shall and may be lawful to and for such Justice to whom such Complaint has been preferred, and he is hereby required to issue his Summons requesting the Commissioners of the District or some or one of them to appear on a certain Day, not less than ten Days from the Date of such Summons, at such Place as he shall appoint within the said District at which Time and Place the said Justices shall have a Jury of twelve Men out of the next District, who shall hear Evidence and enquire into the Matter; and if it shall appear by the Verdict of such Jury given under Oath, that the Insufficiency of the Highways is owing to the Neglect of the Commissioners, the Commissioners of the District shall pay all the Cost attending such Enquiry, and be severally fined in the Sum of forty Shillings, to be recovered together with the Proportion of Cost, by Distress and Sale of their Goods and Chattels respectively, one half of which Fine shall go to the Complainants, and the other half to the Poor of the District. *Provided always*, That if the Complaint should appear to the Jury to be frivolous and vexatious, that the Jury shall give such Damages to the Commissioners as they shall appear to have suffered, and the Complainant shall pay all the Cost, which Cost and Damages shall be recovered in the same Manner as the Cost and Fine is to be recovered if the Verdict goes against the Commissioners. *And Provided also*, That every Complainant shall give Security for the Cost and Damages to such Justice of the Peace before any Proceedings against the Commissioners shall commence.

*And be it further Enacted by the Authority aforesaid*, That all the Inhabitants of the Respective Districts who shall be rated to work on the Highways, shall as often as they or any of them shall receive Notice from the Overseer or Overseers of the Highways for the Time being to work on the Highways punctually attend the said Service either by themselves, their Slaves or Servants with proper Tools and faithfully Work all the Number of Days which they are rated if required, and in Case any Person or Persons duly warned shall refuse or neglect to appear, or being come to work on the Highways, shall remain idle or not work faithfully, or hinder or deter others from doing their Duty, such Offender shall for each Day forfeit the Sum of four Shillings to be recovered by the Overseer or Overseers of the Highways without any further Warrant for that Purpose by Distress and Sale of the Offender's Goods and Chattels returning the Overplus if any there be to the Owner or Owners after deducting the usual Charges as is common in Case where Distress is made by a Collector, and the said Forfeiture of four Shillings shall by the Overseer be paid into the Hands of the Commissioners Clerk to be by the said Commissioners applied as directed in the eleventh Clause of this Act.

*And be it also Enacted by the same Authority*, That all the Monies to be raised by virtue of this Act or that may accrue from Fines Forfeitures and Compositions shall be honestly and fairly applied by the Commissioners of each District respectively, for the Use of the Highways, and to and for building and repairing Bridges and such necessary Work in and concerning the Premises in their respective Districts as shall from Time to Time occur; and in paying a Clerk to be by them appointed and removed at pleasure, and the said Commissioners are hereby required and commanded to keep true and just Accounts of all the Monies by them received and expended by virtue of this Act, and the same to deliver in upon Oath to the Court of General Sessions, held for the said Counties respectively whenever thereunto required.

And in order the more clearly to ascertain what Persons shall be compellable to work on the Highways, *Be it therefore Enacted by the Authority aforesaid*, That every Freeholder Housekeeper and other Person exercising any Trade or Business for themselves and on their own Account within the said Counties of Albany and Tryon, shall be liable to work on the Public Roads and Highways, and that no Person living with and working for their Master Mistress or Parents and not exercising any Trade or Business for themselves or upon their own Accounts shall be compellable to work upon the same.

Persons liable to highway labor.

Persons exempt.

And be it also Enacted by the same Authority, That if any Tree shall fall out of any inclosed Lands into or across any of the Public Highways, that the Owner of such Inclosure shall within twelve Hours after the same be so fallen, remove the same or be liable to a Fine of twenty Shillings for every Days neglect in the non-removal thereof after Notice given by any Person or Persons whatsoever to be recovered and applied in the same Manner as the other Fines and Forfeitures are recovered and applied by the fourth and eleventh Clauses of this Act.

Trees falling from inclosed lands across highways, removal of.

Penalty for neglect

And Whereas several Persons in clearing of their Lands through which the Public Highways run have and yearly do kill the Trees and leave them standing, which Trees so killed upon every high Wind are subject to fall across the Roads and are thereby dangerous to Persons who are travelling along the said Roads, and Cattle feeding near the same.

Be it therefore Enacted by the Authority aforesaid, That whenever any Tree or Trees shall be girdled and killed on or within one Chain of any Public Road or Highway and shall remain standing for two Years after such girdling the Owner or Owners so girdling the same shall cut down or cause to be cut down such Tree or Trees or on Failure thereof shall forfeit and pay the Sum of five Shillings for every such Tree so girdled and left standing as aforesaid, to be recovered and applied in like Manner as the other Forfeitures mentioned in this Act are by the fourth and eleventh Clauses.

Girdled trees near highways, when to be cut down.

Penalty for neglect hereof.

Provided Always and be it Enacted by the same Authority, That in Case it should not be necessary in any one or more of the said Districts to have all the Days wrought by the Inhabitants that this Act requires, that then the Commissioners shall direct the Overseers to let each Person work in his just Proportion to the Days such Person is rated and no more, or to pay an Equivalent at the rate of three Shillings a Day.

Commissioners, may direct proportion of work only, to be done.

Equivalent for each day.

And be it also Enacted by the same Authority, That no Person whatever in any of the said Districts shall after the first Day of June next after the passing hereof, set up any swinging or other Gate, or suffer any that may be then already set up to remain across any of the Highways in the said City and Counties respectively, unless such Gate or Gates have already been licenced by any former Act or Acts, and unless by a special Licence from the Commissioners of the District under their Hands and Seals, *Provided always*, That before the said Commissioners shall be permitted to grant such a Licence, they shall at the request and at the Cost and Charge of the Person or Persons requesting such Licence, apply to two of the nearest Justices of the Peace, who shall cause the Constable of the District to summon twelve impartial principal Freeholders of the District, and the said Justices together with the said Freeholders being first duly sworn shall maturely inquire and then declare under their Hands and Seals whether there are any sufficient Obstacles to prevent the setting of Fences and maintaining

Swinging Gates across highways, not to be set up without license.

Commissioners to summon Jury to inquire as to necessity of Gate, etc.

Removal  
of Gates.

Penalty  
for non-  
compli-  
ance here-  
with.

Penalty  
for stak-  
ing open  
licensed  
Gates, will-  
ful injury  
to improv-  
ed lands.

How re-  
covered  
and ap-  
plied.

Damages  
to land  
owner.

Waggon,  
Team, etc.,  
with man,  
to be esti-  
mated as 3  
days work.  
Tools,  
to be  
brought  
by work-  
ing men.  
Persons  
under 16  
years, not  
deemed  
labourers.

Appoint-  
ment of  
Commis-  
sioners, to  
fill vacan-  
cies.

Their  
powers  
and liabil-  
ities.

Commis-  
sioners  
to record  
all high-  
ways  
laid out,  
altered,  
etc.

the same, and what those Obstacles are, if any there be, and if by the Return of the Inquest it shall appear that no Fences can be reasonably maintained, then the Commissioners shall grant their Licence for Gates, if otherwise, they shall allow three Months to remove the Gates and no longer, and any Person or Persons offending contrary to the true Intent and meaning of this Clause, shall for every Offence be liable to the like Forfeiture that is inflicted in the fourth Clause of this Act, and the said Forfeiture shall be recovered in the same Manner as is directed in the said fourth Clause, and applied as is directed in the eleventh Clause of this Act.

*And be it further Enacted by the same Authority,* That in Case any Person or Persons shall stake or shore open any Licensed Gate or Gates or wilfully ride over or through any Lands, Meadow-Ground or Cornfield to the damage of the Owners thereof such Person or Persons shall for every such Offence forfeit the Sum of twenty Shillings to be recovered by any of the Overseers of the Highways in each respective District where such Offence shall be committed, and be recovered and applied in like Manner as the other Forfeitures in this Act are recovered and applied by the fourth and eleventh Clauses of this Act, and such Offender shall pay all Damages with Costs which the Possessor of the Soil shall suffer or sustain thereby as shall be ordered and awarded by a Justice of the Peace residing nearest to the Place where such Offence shall be committed, and the Determination of such Justice shall be final and conclusive therein.

*And be it further Enacted by the same Authority,* That if the Commissioners or Overseers of the Highways shall think fit and have occasion of any Team Sled Cart or Waggon and a Man to manage the same, the said Cart Sled or Waggon and Man shall be esteemed to be in lieu of three Days work of one Man, and the Fine for Neglect or refusal to furnish the same to be proportionable, that is treble to the Fine to be imposed for the Neglect of one Person, and every Working Man shall be obliged to bring such Tools, as Spades, Axes, Crows, Pick Axes, or other Utensils as shall be directed by the Overseers of the Highways, and no Person under the Age of Sixteen Years shall be deemed a sufficient Labourer.

*And be it further Enacted by the same Authority,* That if any of the said Commissioners here appointed, shall neglect refuse or delay to qualify themselves as this Act hereafter directs, or being qualified shall happen to die or remove out of the District for which he or they are appointed Commissioners, it shall and may be lawful for the Justices of the Peace in the General Sessions held for the said Counties respectively to appoint in his or their stead another Commissioner or Commissioners for such District, where such Refusal Neglect Delay Death or Removal shall happen, and the Commissioner or Commissioners so appointed shall be under the same Restrictions, and have the same Power and Authority as those appointed by this Act.

*And be it also Enacted by the same Authority,* That the Commissioners of each respective District for which they are respectively appointed, shall from Time to Time during the Continuance of this Act enter in writing all the Highways so by them laid out altered or stopped up, and sign the same by putting their Names thereto, and cause the same to be entered in the Records of the said Counties respectively by the Clerk of the Peace, who is hereby directed and required to record the same, and whatsoever the said Commissioners shall do in laying out altering or stopping up, and otherwise regulating High-



ways, according to the Power given them in this Act, being so entered in the County Records, shall be deemed valid and good to all Intents and Purposes whatsoever, for which Entry the Clerk shall be paid two Shillings.

Fee for entry in county records.

*Provided always and be it Enacted by the same Authority,* That where the Inhabitants of a small Neighbourhood or Plantation shall desire to have Public Roads laid out, the Commissioners aforesaid shall not be allowed to lay out such and so many Roads as the said Inhabitants may be desirous to have, but only one Public Road leading from such Neighbourhood to the nearest other Public Highway which is central in the said District, from whence they can travel and transport Goods to other Towns or Landing Places, and where it shall be necessary to lay out a Road from one District, as they are in this Act joined to another District, the Commissioners or the major Part of both Districts are to meet and consult where such Road can be laid out, and carried on in the most convenient, and shortest Manner the Nature of the Land will allow.

Restrictions as to laying roads from small neighborhoods, to public roads.

Roads between Districts. Commissioners to consult as to.

*Provided also, And be it further Enacted,* That if it shall so happen, That if the improved Farm of any Inhabitant of the said Counties shall be divided and lay in different Districts, that then in such Case, every such Inhabitant shall be subject to work upon the Highways in that District only, in which his Dwelling House is erected.

Highway labor for divided farms, where performed

*Provided also and be it further Enacted,* That if any Inhabitant of the said respective Districts shall conceive it more convenient to use a Public Main Road not maintained by the District wherein he resides, leading to the City of Albany, or other Port or Place of Embarkation which may hereafter be established, that in every such Case upon Application to the Commissioners both of his own District, and of that through which the Road he prefers may pass, it shall and may be lawful to and for the said Commissioners or the major Part of them, if such Convenience shall appear to them to be manifest, to relieve him from the Duties required of him by this Act in the District which he Inhabits, and subject him to the Performance of those duties in the next adjoining District through which such Road passes, and where it is supported.

Right of Commissioners, to grant to inhabitants of any district, permission to work on certain main roads to Albany, etc.

*And Whereas* the Proprietors of Land in many of the said Districts have formerly carried the Highways in such a Manner round their Lands as to save the Expence of fencing without any regard to the Inconvenience to which Travellers were put, *And Whereas* such Highways have been since established by former Commissioners to save the Expence that a District would be put to, if the Highway had been laid in a more convenient Place, and through improved Lands, to remedy which Evil and to make the Highways as convenient as possible, *Be it further Enacted,* That every Public and Main Road leading from any District in which there is a considerable Settlement to the City of Albany or any other Port or Place of Embarkation as aforesaid, or where a new Road shall be so required to be laid out, that then and in every such Case, such Public or Main Road shall be continued from District to District and through the same as straight and direct as the Nature of the Ground will admit, and that such Main and Public Road may be established, or being established may be altered so as to be more generally convenient and useful to the Inhabitants of the respective Districts through which the same may extend, it shall and may be lawful to and for the Commissioners of the District which shall require the said Road to be laid out or altered, by writing under their Hands to appoint and summons a general

Main roads to Albany, etc., to be laid out as straight as possible.

Meeting of Commissioners, to consult as to laying out such roads, etc.

Meeting of all the Commissioners of the respective Districts through which the Road proposed shall extend at any Time not less than three, or more than ten Days after the Service of Notice on the said Commissioners, and at such convenient Place in that District which shall be most central to the usual Residence of the major Part of such Commissioners, and the said Commissioners are hereby directed and required to meet and attend according to such Appointment, and when the said Commissioners so convened shall have consulted together and deliberated upon the Subject of the said Meeting, they shall then proceed to lay out the Highway or Road proposed and required from District to District, and in the best and most advantageous Manner for Public and General Utility and Convenience, *That is to say* The Commissioners of each respective District shall lay out that Part of the intended Road which shall extend through the District of which they are respectively Commissioners, and the same being so laid out, shall be certified, returned and recorded as a Public Road or Highway in the Manner herein before directed, and shall be maintained and supported in the several Districts through which it shall extend as other Highways or Public Roads ought by this Act to be maintained in such respective District, but if it shall so happen that the Commissioners of either of the other Districts then Assembled shall be dissatisfied with any Part of the Road so laid out, they shall be at Liberty, and are hereby authorized to propose the Manner in which they conceive that Part of the Road which is objected to ought to be laid out; and if the Commissioners whose Duty it is to lay out the same shall not agree to the Alteration insisted upon, that then a Description shall be made in writing signed by all the Commissioners present of both the Roads proposed, and it shall be lawful for three or more of the said Commissioners to apply to any two of his Majesty's Justices of the Peace of the said Counties respectively not residing or holding Lands in the District concerning which such Controversy shall have arisen, or the District for which such Road shall be required, and such Justices are hereby authorized and directed thereupon to issue their Precept to one of the Constables of the said County, commanding him to summon a Jury of twelve good men sufficient Freeholders of the said County not interested in the said Road, who being duly sworn for that Purpose, shall inquire and give their Verdict, which of the Roads in controversy will be the best and most commodious as a main and public Highway, and an Inquest being hereof made under the Hands and Seals of the said Justices and Jurors, shall be final and conclusive, according to which the Road shall be laid out, certified and returned as a public Road by the respective Commissioners through whose District it shall extend, and the Return thereof together with the said Inquisition being filed in the Office of the Clerk of the said County and entered of Record, the said Road shall be deemed and esteemed a Public Road or Highway to all Intents and Purposes and be supported and maintained in the respective Districts through which the same shall extend in the same Manner as the other Highways in such Districts are directed and required to be maintained and supported by this Act, and the Charge and Expence of such Inquest shall be borne and paid out of the Monies to be raised by this Act for the Benefit of the District whose Commissioners shall have created the same by refusing to lay out such Road in the Manner which by the said Inquest shall be found best and most commodious. And provided that if such Road so altered or laid out shall

Duty of Commissioners in each district affected.

Jury to be summoned, in case of disagreement as to any part of road.

Inquest to be final and conclusive.

How entered and recd.

Expence to be paid how paid.

run through any improved Lands, the Proprietor thereof shall be satisfied and paid therefor as directed by the second Clause of this Act.

Payment for improved lands taken.

*And be it also Enacted by the same Authority,* That the Commissioners for the Time being for each District, shall and may at any Time during the Continuance of this Act divide the District of which they are Commissioners into such and so many Parts as to them shall seem most necessary, and such Partition to alter from Time to Time as they shall think expedient, of which Partition they shall give Notice by Advertisements to be put up at the Place of Election for District Officers at least six Days before the Day of Election, at which Election an Overseer of the Highways shall be chosen for each of the Parts into which the District is so divided, the Names of which Overseers shall be immediately transmitted by the Clerk of the District to the Commissioners of the Highways thereof.

Commissioners may divide and alter districts.

Notice thereof, how published.

Election of Overseers.

*And be it further Enacted by the same Authority,* That every Person compellable to work on the Highways in any of the said Counties, shall actually work for each Day he is obliged to work eight Hours and shall be liable to pay a Fine of six Pence for every Hour such Person shall be in default, to be recovered and applied in like Manner as directed by the tenth and eleventh Clauses of this Act.

Number of hours constituting a days work  
Fine in case of default.

*And be it further Enacted by the same Authority,* That the several Overseers of the Highways in the several Districts or Parts of Districts for which they shall be appointed by this Act, shall whenever thereunto required by the Commissioners of the District to which they belong deliver an Account to the Commissioners Clerk, attested to before any Justice of the Peace which Attestation shall be in the Words following *to wit*, "I A. B. do declare upon the Holy Evangelists of Almighty God, that the Account now delivered by me, to the best of my Knowledge and Belief contains the Names of all the Persons assigned by the Commissioners of the Highways in \_\_\_\_\_ District to be under my Direction in working on the Highways, and that I have affixed to each Person's Name the Number of Days such Person has worked, or some other in such Person's stead as also the Names of all such Persons that have paid three Shillings per Day in lieu of the Days they were required to work; and also of such Persons as have been fined for refusing to work as the Law requires, so help me God."

Overseers, to deliver account on oath.

Form of Oath, to account.

*And be it further Enacted by the same Authority,* That the Commissioners of the respective Districts, shall be respectively allowed a Sum not exceeding six Shillings for every Day that such Commissioner shall absolutely and necessarily be employed in the Execution of his Office, and they shall transmit their Accounts on Oath to the Supervisors of the County to which they belong, at their Annual Meetings; and the Supervisors shall cause the same to be raised as the Monies by the seventh Clause of this Act are directed to be raised and paid.

Commissioners allowed six shillings per day.

Accounts, how verified.

Supervisors to raise same.

*And be it further Enacted by the same Authority,* That the Commissioners for the Highways by this Act appointed or to be appointed shall respectively before they execute any of the Powers herein given to them take an Oath before any Justice of the Peace of the said City or Counties in the Words following, *to wit*, "I A. B. do solemnly swear that I will to the best of my knowledge impartially execute the Powers to me given and granted by an Act entitled An Act for the better laying out regulating and keeping in repair the Public Roads and Highways in the City and County of Albany and County of Tryon, so help me God."

Oath of office of Commissioners.

*Carriages, etc., going from Albany to give way to those going to same place.*  
*Penalty for non-compliance.*  
*And be it further Enacted by the same Authority, That all Persons in the said Counties that may meet each other on any of the said Roads or Highways in Carriages or Sleighs those going from the City of Albany shall give way to those going toward the said City, and all Persons travelling Eastward on any of the said Roads or Highways on the East Side of Hudson's River shall give way to those travelling westward, and vice versa on the West Side of the said River under the Penalty of twenty Shillings to be recovered and applied as directed in the fourth and eleventh Clauses of this Act.*

*Penalty for wanton injury to roads, bridges, ditches, gates, etc.*  
*And be it further Enacted by the Authority aforesaid, That in Case any Person or Persons shall wantonly spoil or damage any Roads Bridges or Causeways, or fill up or destroy any of the Ditches or Fence across any of the said Roads or Highways, or erect or set up any Gates thereon, or put or leave in them any unnecessary Obstruction without Leave of the said Commissioners, such Person or Persons shall for every such Offence forfeit the Sum of forty Shillings to be recovered and applied as directed in the fourth and eleventh Clauses of this Act,*

*Also penalty for leaving broken carriages, dead carcasses, etc., in roads.*  
*And if any Person or Persons shall leave a Dead Horse or the Carcase of any other Beast or any broken Carriage on any of the said Roads or Highways for any longer Time than twelve Hours after Notice given or set up near the said Roads or Highways, any Thing by which Horses are usually affrighted, or shall by any improper Behaviour affright any Horse or Traveller on any of the said Roads, every such Person shall for every such Offence forfeit the Sum of forty Shillings to be recovered and applied as directed in said fourth and eleventh Clauses of this Act; and any Person leaving a dead Dog or Hog in any of the said Roads or Highways shall forfeit the Sum of twenty Shillings to be recovered and applied in like Manner.*

*Penalties, how recovered and applied.*  
*Highway Overseers, to remove obstructions.*  
*To endeavour to discover persons placing same.*  
*Penalty and costs, etc., how recovered.*  
*Penalty for neglect of duty by Overseers.*  
*And be it further Enacted by the same Authority, That on Information being given by any Person whatsoever to any of the Overseers of the said Roads or Highways of any of the said Nusances or Obstructions, he shall immediately proceed to the removing thereof, and shall also use his best Endeavours to discover the Person or Persons who committed the same, who upon Discovery, shall not only be liable to the Penalties herein before appointed, according to the Nature of the Offence, but also to the Costs of removing them, and a reasonable Allowance to the said Overseer for his Time and Trouble therein, to be recovered by him in a summary way with Costs of Suit before any Justice of the Peace within the said City and Counties, and every such Overseer neglecting or refusing to do his Duty according to the true Intent and Meaning of this Act, shall for every such Neglect or Refusal forfeit the Sum of five Pounds, to be recovered paid and applied as directed in the fourth and eleventh Clauses of this Act.*

*Offenders perpetrating nuisance, who deemed.*  
*And in order as far as possible to prevent the Evasion of the good Purposes intended by this Act, Be it Enacted by the same Authority, That the Owner of any dead Horse or other Nuisance left on any of the said Roads or Highways, shall be deemed to have put or left the same thereon, unless he proves the contrary.*

*Overseer of certain highway in Rensselaerwyck, to order cleaning thereof.*  
*And be it further Enacted by the same Authority, That the Overseer of the Highways elected for that Part of the Manor of Rensselaerwyck from the North Bounds of the City of Albany to Water Vliet, and continued Northerly nearly along Hudson's River to the Gate at the North End of the Patroon's Farm, shall and he is hereby empowered and directed from and after the said first Tuesday in May and as often as need shall be to order and direct all and every the Inhabitants within the Bounds above described to clear and clean the said Street*

or Highway every one of them before his and their respective Lots of Ground and dwelling Places of all Fire-Wood, Timber, Lime, Stones, Shavings, Straw and Dung, (except Timber, Boards, or Stone for present Building,) and if any Person or Persons shall refuse neglect or delay to yield Obedience to the Orders and Directions of the said Overseer, every such Person and Persons shall forfeit the Sum of two Shillings for every Days Disobedience, Refusal, Neglect or Delay, to be recovered and applied as directed by the tenth and eleventh Clauses of this Act.

Penalty for disobedience of orders.

*And be it further Enacted by the Authority aforesaid,* That each and every Person living and dwelling on both sides of the Street or Highway leading from the City of Albany to Water Vliet shall upon two Months Notice given to them by the said Overseer pave or cause to be paved with Stone in such Manner as the said Overseer shall order and direct, not exceeding ten feet, before his and their respective Dwelling Houses and Lots of Ground, and that each and every Person not living and dwelling, but having a Lot or Lots of Ground on the West Side of the said Street leading to Water Vliet shall upon Notice given to them by the Overseer as aforesaid, lay with Gravel in such Manner as the said Overseer shall order and direct not exceeding ten feet before his and their respective Lots of Ground, and if any Person or Persons shall refuse neglect or delay to yield Obedience to the Orders and Directions of the said Overseer in the Premises, every such Person and Persons shall forfeit the Sum of twenty Shillings for every Months neglect or delay, to be recovered and applied as directed by the tenth and eleventh Clauses of this Act.

Inhabitants on street from Albany to Water Vliet, to lay certain pavement.

Non-resident owners to gravel certain part of street.

Penalty for disobedience of orders of Overseer.

*And be it also Enacted by the same Authority,* That the major Part of the Commissioners or the major Part of the Survivors of them in any of the Districts within the said City and Counties shall and hereby are authorized to do and execute all or any of the Powers given unto them by this Act, and their Proceedings shall be as effectual and legal as if all the Commissioners of such Districts were present and concurring, any Thing in this Act to the contrary hereof notwithstanding. *Provided always* that in any District where a greater Number than three is a Majority of the Commissioners, and the Clerk of the Commissioners having in writing given Notice as herein after directed of an intended Meeting, that in every such Case the Majority of the Commissioners that shall attend being not less than three, shall and may do and perform every Act and Thing that a Majority of all the Commissioners of the District might or could have performed had they been present, any Thing in this Act to the contrary hereof notwithstanding, *Provided also* that the Clerk of the Commissioners shall whenever thereunto required by any one of the Commissioners give Notice in writing to all the Commissioners of the District of which he is Clerk at least three Days before such intended Meeting, of which Notice a Minute shall be made in the Book of the Proceedings of such Commissioners.

Acts of majority of Commissioners in any District, to be legal.

In certain Districts, acts of three Commissioners, declared valid, after notice.

Clerk of Commissioners, when to notify Commissioners in writing.

*And be it Enacted by the same Authority,* That in Case any Overseer or Overseers to be appointed by virtue of this Act shall refuse to serve as such, or shall neglect or delay the putting in execution any Services which he or they are required to do by this Act, or shall refuse to return an Account upon Oath as in this Act is directed; that in either of these Cases such Overseer or Overseers so offending contrary to the Meaning of this Act, shall be subject to the like Penalty as is inflicted by the fourth Clause of this Act on Persons altering, stopping up, or lessening any Highways, and be recovered in like Manner as the

Overseers refusing to serve or neglecting duty, etc., to be subject to certain penalty.

Penalty is thereby directed to be recovered; and applied as directed by the eleventh Clause of this Act.

Act of Feb.  
6, 1773 re-  
pealed.

*And be it also Enacted by the same Authority, That the Act entitled "An Act for the better laying out, regulating and keeping in repair the public Roads and Highways in the City and County of Albany and County of Tryon," passed the sixth Day of February one thousand seven hundred and seventy-three, shall be and is hereby repealed, and that this Act shall be and continue in force from the passing thereof until the second Tuesday in May which will be in the year of our Lord one thousand seven hundred and eighty five, and from thence to the End of the then next Session of the General Assembly.*

This Act to  
continue  
in force, to  
2d Tues-  
day in  
May, 1785.

## Chapter XCVIII.

(CHAP. 46, LAWS OF 1775.)

### AN ACT for Relief against absconding and absent Debtors.

PASSED the 3d of April 1775.

**Preamble.** WHEREAS divers Persons being indebted within this Colony and having Estates or Effects in the same, with design to defraud their Creditors of their just Dues do secretly depart the Colony, and procure their Estates and Effects or the Value thereof to be remitted to them, or conceal themselves within the Colony in Order to bring their Creditors to an unreasonable Composition; for Remedy of which evil practices the Laws hitherto provided have been found inadequate,

Abscond-  
ing or con-  
cealed  
Debtors,  
applica-  
tion by  
Creditors  
to Judge,  
for war-  
rant to at-  
tach estate  
of.

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act whensoever it shall happen that any Person or Persons whatsoever, being indebted within this Colony, shall either secretly depart the Colony or keep concealed within the same, any one Creditor, or joint Company whose Debt or Demand is due to them jointly, to whom such absconding or concealed Person or Persons is or are indebted in the Sum of Forty Pounds or upwards; or any two, to whom he she or they is or are indebted in the Sum of sixty Pounds or upwards or any three, to whom he she or they is or are indebted in the Sum of Eighty Pounds or upwards, over and above all Discounts, may make application to the Judges of the Supreme Court of this Colony for the Time being, or any of them, and there make Affidavit or Affirmation in Writing, in Cases where by Law an Affirmation is allowed, that the said absconding or concealed Person or Persons is or are indebted to him her or them in the Sum of \_\_\_\_\_ over and above all Discounts, and that he she or they do verily believe that the said absconding or concealed Person or Persons, is or are either departed the Colony or concealed within it, with Intent and Design to defraud him her or them and other Creditors (if any such there be) of their just Dues or to avoid being arrested by the ordinary Process of Law; which Departure or Concealment shall also be proved to the satisfaction of such Judge or Judges by two Witnesses: And on such Affidavit or Affirmation, and such other Proof made the said Judge or Judges, or any one of them, hereby is and are fully empowered, authorized*

and required forthwith to issue his or their Warrant or Warrants to the Sheriff of the City or County which contains the last usual Place of Residence of such absconding or concealed Person or Persons or to the Sheriff or Sheriffs of any or every other City or County within this Colony commanding such Sheriff or Sheriffs respectively to attach seize take and safely keep all the Estate as well real as personal of the said absconding or concealed Person or Persons of what kind or nature soever, and every or any Part or Parcel thereof in whatever Part of his Bailiwick they can be found with all Evidences, Books of Account, Vouchers and Papers relating thereto: Which Warrant or Warrants the Sheriff or Sheriffs respectively to whom the same shall be directed and delivered are hereby enjoined, required, authorized and commanded well and truly to execute and with the Assistance of two Substantial Freeholders forthwith to make a just and true Inventory of all such Estate and Effects as he shall seize and take by Virtue thereof, and to return the same signed by himself and the said two Freeholders to such Judge or Judges who issued the Warrant or Warrants for taking and seizing thereof.

Judge, when to issue warrant to Sheriff.

Duties of Sheriff.

Inventory of Estate, how made and returned.

And be it further Enacted by the Authority aforesaid, That such Judge or Judges who shall issue such Warrant or Warrants, shall immediately thereafter order Notice to be given in all the public News Papers printed in the City of New York, that on Application to him or them made by a Creditor or Creditors, as the Case may be, of such absconding or concealed Person or Persons, he has directed all his her or their Estates Real and Personal within this Colony to be seized, and that unless he she or they by Name, so absconding or concealed return and discharge his her or their Debt or Debts within Three Months after such public Notice given all his her or their Estates Real and personal will be sold for the Payment and Satisfaction of his her or their Creditors.

Judges issuing warrant, to give public Notice of Attachment.

Notice, to state time of sale of estate attached.

And be it further Enacted by the Authority aforesaid, That in case any Sheriff or Sheriffs shall by Virtue of any Warrant or Warrants to be issued in Pursuance of this Act, seize and take any perishable Goods or Chattels it shall and may be lawful for the Judge or Judges who issued such Warrant or Warrants, at his or their Discretion, to order the Sale of such Things perishable; and the Monies arising thereby to be delivered and paid to the Trustees, that shall be appointed to manage the Estate and Effects of such absconding or concealed Person or Persons mentioned in such Warrant or Warrants, to be by such Trustees applied according to the directions and Intention of this Act.

Judges may order sale by Sheriff, if perishable goods.

Avails therefrom how applied.

And be it further Enacted by the Authority aforesaid, That if any Sheriff, or Sheriffs, shall by Virtue of any Warrant or Warrants to be issued in Pursuance of this Act, through Ignorance or want of proper Information seize and take any Goods, Chattels or Effects which shall or may be claimed or challenged by any Person or Persons as his her or their Property, it shall and may be lawful for such Sheriff thereupon to summon and swear a Jury to enquire into and try the Right and Property thereof: And if such Jury shall upon such Inquest find the Right and Property of such Goods, Chattels or Effects to be in the Person or Persons so claiming the same, or in any other than the Person or Persons against whose Effects or Estate such Warrant or Warrants did issue, such Sheriff shall forthwith after such Inquisition had and taken deliver such Goods, Chattels and Effects to the Person or Persons in whom the Property thereof shall be so found, or to his, her or their Agent, Attorney or Assigns; and such Sheriff shall not be liable to any Suit or Prosecution for his having seized and taken such

Where goods seized, are claimed by other persons, the right and property to be tried by a Jury.

Proceedings thereupon.

Sheriff, to return goods found to belong to claimants.

Goods Chattels or Effects, so seized and taken through Ignorance or for want of proper Information; and all reasonable Charges arising by the Sale of such perishable Goods, or by such Inquest as aforesaid shall be allowed and certified by the Judge or Judges who issued such Warrant and paid out of the Effects or Estate of the absconding or concealed Person or Persons against whose Estate and Effects such Warrant issued if the Property of such Goods, Chattels or Effects so claimed shall by such Inquisition be found to be in any other than the Person or Persons against whose Estate or Effects such Warrant issued; But if the Property of the Goods, Chattels or Effects so claimed shall by such Inquisition be found to be in the Person or Persons against whose Estate or Effects the Warrant of Attachment which caused them to be seized did issue then all Costs, Charges and Expenses accrued or arising by such Claim and Inquisition or either of them shall be paid and born by the Person or Persons who claimed the same from the Sheriff or applied for Inquisition to be had, or occasioned the same to be had and taken.

Payment of monies or delivery of effects, to absconding debtors, deemed fraudulent.

Liability to answer therefor, to Trustees.

*And be it further Enacted by the Authority aforesaid,* That if any Person or Persons indebted to any such absconding or concealed Person or Persons, or having the Custody or Possession of any Effects or other Thing or Things whatsoever of any such absconding or concealed Person or Persons shall after such first public Notice as aforesaid given pay any Debt or Demand or deliver any such Effects or other Thing or Things whatsoever to any such absconding or concealed Person or Persons, or his her or their Attorney, Agents, Factors or Assigns; the Person or Persons so paying any such Debt or Demand or delivering such Effects or other Thing or Things whatsoever shall be deemed to have paid the same fraudulently and is and are hereby made liable to answer the same or the Amount or Value thereof to such Trustees or the Survivor of them as shall by Virtue of this Act be appointed to receive and distribute the Estate and Effects of such absconding or concealed Person or Persons towards the Payment and Satisfaction of his her or their Creditors. *And if any Person or Persons indebted to or having the Custody or Possession of any Effects or other Thing or Things whatsoever of any absconding or concealed Debtor or Debtors shall after such public Notice as aforesaid given be sued by him or them, or by his her or their order, Attorney or Procurement for any such Debt or Debts, Duty, Demand Effects or Thing he she or they so sued may plead the general Issue, and give this Act and the special Matter in Evidence.*

Sales of Goods, etc., by absconding Debtor, after public Notice, to be void.

Powers of Attorney, by such debtor, for collecting debts, etc., to be void.

Court, when to grant Supersedeas of Warrant of Attachment.

*And be it further Enacted by the authority aforesaid,* That all Sales and Conveyances of his her or their Estates, Lands, Goods, Chattels or Effects and all Assignments of any promissory Note, Bill of Exchange, Security or chose in Action, to him her or them due or belonging made by any such absconding or concealed Person or Persons after such public Notice as aforesaid given; and all Powers of Attorney by him her or them, for selling any Estate or Effects or collecting any Debts or Demands, whether made after or before such first public Notice as aforesaid given shall be null and void to all Intents, Constructions and Purposes whatsoever as to all Acts done or to be done after such first public Notice given any Law Usage or Custom to the contrary notwithstanding.

*And be it further Enacted by the Authority aforesaid,* That if any Person or Persons against whose Estate or Effects such Warrant or Warrants of Attachment as aforesaid shall have issued, shall at any Time before the Appointment of Trustees for all the Creditors of such Debtor be



made either by himself or by his Attorney or Agent by Petition to the Judge or Judges who issued such Warrant offer to prove to the Court of which he or they is or are Judge or Judges in open Court that he she or they against whose Estate or Effects such Warrant or Warrants issued, is or are resident within this Colony and were not at the Time such Warrant issued, nor within Thirty Days preceeding, nor at any Time after and is or are not then absconding or concealed and thereby pray that the same may be heard and determined at the then next sitting of such Court; and shall and do at the same Time execute and deliver to the Creditor or Creditors who applied for and obtained such Warrant or Warrants of Attachment a Bond with good and sufficient Security, to be approved of by the said Judge or Judges, if in the Supreme Court in the Sum of Forty Pounds, and if in any of the inferior Courts in the Sum of Twenty Pounds binding the Obligor jointly and severally, with a Condition, that if such Person or Persons by Name against whose Estate or Effects such Warrant or Warrants issued, do not prove to the said Court at the then next Court that he she or they is or are residents in this Colony, and were not at the Time such Warrant or Warrants issued, nor within Thirty Days preceeding the issuing thereof, nor at any Time after, and is or are not then absconding or concealed, then such Bond or Obligation to be void otherwise to remain in full Force and Virtue, Then and in every such Case the Judge or Judges who issued such Warrant or Warrants, shall report his or their Proceedings in the Premises to the next Court whereof he or they is or are Judge or Judges : which Court is hereby fully authorized and impowered to compel the Parties and their Witnesses to come into Court and hear the Proofs and Allegations of the Parties and their Witnesses in a Summary way, and thereupon to determine whether the Matters and Things in such Petition have been fully proved and supported. And if such Court shall adjudge and determine that the Matters and Things contained in such Petition have been fully and satisfactorily proved and supported, Then such Court shall Grant a *Supersedeas* to such Warrant or Warrants, and the Person or Persons against whose Estate or Effects such Warrant or Warrants did issue shall recover his her or their Costs, to be taxed by the said Court, in open Court, of the Creditor or Creditors who procured such Warrant or Warrants of Attachment to be issued ; But if the said Court shall judge and determine that the Matters and Things in such Petition mentioned have not been fully and satisfactorily supported and proved to the said Court, Then the Person or Persons to whom such Bond as aforesaid shall have been given his her or their Executors or Administrators shall recover the Penalty or Sum of such Bond, together with Costs of Suit, by Action of Debt, Bill, Plaint or otherwise in any Court of Record within this Colony, the one Moiety of such Penalty or Sum to the use of the Obligee or Obligees, his her or their Executors, Administrators or Assigns, And the other Moiety thereof when recovered and received to be paid to such Trustees, or the Survivor of them as shall be appointed to manage and Distribute the Estate and Effects, for seizing whereof such Warrant or Warrants issued ; to be by such Trustees or the Survivor of them disposed of and distributed in like manner as all other Monies that may come to their Hands by Virtue of their Appointment as Trustees, is directed to be disposed of by Virtue of this Act.

And be it further Enacted by the Authority aforesaid, That if such absconding or concealed Person or Persons do not return within three Months next after such public Notice as aforesaid given and discharge

Delivery  
of Bond to  
Court.

Costs how  
recovered,  
if Super-  
sedeas is  
granted.

Recovery  
upon  
Bond, if  
Court de-  
clares  
things  
stated in  
Petition,  
not proven

Trustees  
for Credit-  
ors, when  
to be ap-  
pointed  
by Court.

his, her or their Debt or Debts or otherwise Compound with or Satisfy his her or their Creditors, not having presented such Petition and given such Bond as aforesaid; or if such absconding or concealed Person or Persons shall have presented such Petition, and the Court shall have adjudged and determined that the ~~Matters~~ and Things in such Petition mentioned have not been fully and satisfactorily supported and proved, or shall have refused to Grant a ~~Supercedas~~ to such Warrant or Warrants, That then and in either such Case it shall and may be lawful for the Judge or Judges who issued the Warrant of Attachment or the Judges of the same Court for the Time being or any one of them, and either of them is hereby fully authorized and empowered to nominate and Appoint three or more fit Persons to be Trustees for all the Creditors of such absconding or concealed Person or Persons, which Trustees shall take an Oath or Affirmation (in Cases where by Law an Affirmation is allowed) well and truly to execute the Trust by that Appointment reposed in them, according to the best of their Skill and Understanding, which Oath or Affirmation the Judge or Judges appointing the said Trustees is and are hereby required to administer.

Oath of  
Officer, of  
such  
Trustees.

Trustees,  
to give  
public  
notice of  
their ap-  
pointment

To notify  
persons  
indebted  
to ab-  
sconding  
debtor, to  
pay same,  
etc.

To notify  
Creditors,  
to deliver  
demands  
against  
said  
Debtor.

Trustees  
to take  
possession  
of  
estate of  
such  
Debtor.

To be vest-  
ed with  
such es-  
tate real  
and per-  
sonal.  
May sue  
for and re-  
cover  
debts and  
effects.

*And be it further Enacted by the Authority aforesaid, That the said Trustees or any two of them, when so as aforesaid appointed, shall as soon as may be thereafter, cause public Notice to be given in all the News Papers Printed in the City of New York of such their Appointment and thereby require all Persons indebted to such absconding or secreted Person or Persons by a day certain to be appointed by them in their said Notice, to pay all such Sum or Sums of money or other Debt, Duty or Thing, which they owe to the said absconding or concealed Person or Persons, and deliver all other Effects of such absconding or concealed Person or Persons which he she or they may have in their Hands, Power or Custody, to them the said Trustees. And that the said Trustees shall also by public Advertisement in all the said News Papers desire all the Creditors of such absconding or concealed Person or Persons by a certain Time in such Advertisement to be mentioned to deliver to the said Trustees or any one or more of them their respective Account and Demands against such absconding or concealed Debtor or Debtors,*

*And be it further Enacted by the Authority aforesaid, That such Trustees, and each and every of them when so nominated and appointed under the Hand and Seal or Hands and Seals of the said Judges, or any one of them, hereby is and are fully authorized and empowered to take into their Hands, All the Estate or Estates of such absconding or concealed Person or Persons for the Management of whose Estate or Effects they were appointed, and every Part and Parcel thereof, that shall have been seized as aforesaid and all other his, her or their Estate and Effects which they the said Trustees may afterwards discover in any Part of this Colony, And all Evidences, Books of Accounts, Vouchers and Papers relating thereto; and such Trustees immediately from their Appointment shall be and are hereby declared to be vested with all the Estate Real and Personal of such absconding or concealed Person or Persons, for the Management of whose Estate they were appointed; And they and the survivors and Survivor of them is and are hereby enabled and made capable to sue for recover and receive all such Estate and Estates as well Real as Personal, Debts, Dues, Effects or other Thing or Things whatsoever as they shall find due, payable or belonging to such absconding or concealed Person or Persons. And such Sheriff or Sheriffs as shall have*

seized, attached or taken any Estate or Estates, Real or personal or any other Matter or Thing whatsoever by Virtue of any such Warrant or Warrants as aforesaid, shall deliver the same to such Trustees or one of them: And such Trustees and the Survivors and Survivor of them is and are hereby authorized and directed to make Sale by Public Vendue of all such Estates and Effects of such absconding or concealed Person or Persons as shall come to their Hands (after Fourteen Days Notice of each Time and Place of Sale respectively) And of all Estate and Interest which such absconding or concealed Person or Persons had in the same; And Deeds, Releases, Bills of Sale or other Conveyances for the same, or any Part or Parts thereof from Time to Time to make and execute, which being so made and executed by them or any two of them, or the Survivor of them, for such Estates or Effects or any Part or Parts thereof shall be and are hereby declared to be as good, valid and effectual to transfer the Property thereof to all Intents, Constructions and Purposes whatsoever, as if executed by the said absconding or secreted Person or Persons before such first public Notice as aforesaid given, and shall be good, valid and effectual in Law to all Intents and Purposes whatsoever against the said absconding or concealed Person or Persons his, her or their Heirs, Executors, Administrators and Assigns, and all Persons claiming under them or any of them, by virtue of any Act Deed, Matter or Thing after such first public Notice as aforesaid given.

Sheriff to deliver up effects seized or attached.

Public sale of estate and effects, upon notice.

Bills of sale or conveyances by Trustees, declared valid.

*And be it further Enacted by the Authority aforesaid, That if any Person or Persons indebted to such absconding or concealed Debtor or Debtors, or having the Custody of any Goods, Chattels or Effects, or other Thing or Things whatever of such absconding or concealed Debtor or Debtors, shall conceal the same and not deliver a just Account thereof to such Trustees as aforesaid or one of them, by the Day for that Purpose by them appointed, he, she or they so concealing shall forfeit double the Sum of the Debt or Debts, or double the Value of the Goods, Chattels, Effects or other Thing or Things so concealed to be recovered by the said Trustees in any Court within this Colony having Jurisdiction to the Amount of such Forfeiture, and applied as hereinafter directed; which said Courts are hereby respectively fully empowered to compel to come before them all such concealors or others concerned, and them to examine upon Oath, touching the Premises, and to commit them or either of them if they refuse to be so examined, or being so examined refusing to Answer fully and satisfactorily to such Court.*

Persons concealing effects, etc., of such Debtors, to forfeit double value.

How recovered.

*And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Trustees of any Debtor or Debtors Estate, heretofore appointed by Virtue of any of the Laws of this Colony relating to fraudulent or absconding Debtors, or hereafter to be appointed by Virtue of this Act, or the Survivors or Survivor of them, or the Major Part of such Survivors to apply to any Justice of the Peace in this Colony, who is hereby in such Case authorized, required and commanded to grant a Warrant under his Hand and Seal commanding such Debtor or Debtors, the Wife or Wives of such Debtor or Debtors respectively, and every other Person whomsoever, known or suspected to detain any part of such Debtors Estate or to be indebted to it, or knowing or suspected to know any Thing concerning the Concealment or Embezzlement thereof, by their respective Names, forthwith to be brought before such Justice and Trustees at such Place as the said Justice and Trustees or the Major Part of them or Survivors or Survivor of them, or the Major Part of such*

Justices of Peace, on application of Trustees, may summon persons suspected of concealing effects, etc.

Survivors, shall at the Time of the Application for or issuing of such Warrant appoint; where the said Justice of the Peace is also hereby required and commanded to be present; Or in Case of his Death, absence or indisposition such other Justice of the Peace as the said Trustees, or the Major Part of them or the Survivors or Survivor of them, or the Major Part of such Survivors shall request to be present: At which Meeting as well the said Justice of the Peace, as the said Trustees or the Survivors or Survivor of them, or the Major Part of such Survivors, shall and may examine on Oath, or if a Person privileged by Law to affirm on his or her Affirmation (which Oath or Affirmation the said Justice of the Peace is hereby required to Administer) as well by word of Mouth, as on Interrogatories in Writing all and every Person or Persons brought before the said Justice and Trustees, by Virtue of such Warrant or Warrants; and any other Person or Persons present at any such Meeting, touching all Matters relative to the Person, Trade, Dealings, Debts, Credits, Estate or Effects of all and every such Debtor or Debtors and also to take down and reduce into Writing, the Answers of every such Person had, given or taken before them as aforesaid: which Examination so taken down or reduced into Writing, the Person whose Examination the same is, shall and is hereby required to sign and subscribe. And in Case any Person so brought before them the said Justice and Trustees or the Survivors or Survivor of them, or the Major Part of such Survivors, shall refuse to be sworn, or if a Person so Privileged by Law to affirm as aforesaid, or being sworn or affirmed, shall refuse to answer, or shall not fully answer to the Satisfaction of the said Justice all lawful Questions put to him her or them by the said Justice and Trustees, or the Major Part of them then present, as well by word of Mouth, as by Interrogatories in Writing; or shall refuse to sign or subscribe his her or their examination so taken down in Writing as aforesaid, not having a reasonable Objection either to the wording thereof or otherwise to be allowed by the said Justice, it shall and may be lawful to the said Justice of the Peace and he is hereby required, by Warrant under his Hand and Seal to commit him her or them to Prison, there to remain without Bail or Mainprize, until such time as such Person or Persons respectively, shall submit to the said Justice to be sworn or affirmed as aforesaid, and full Answer to make, to the Satisfaction of the said Justice to all such Questions as shall be put to him her or them as aforesaid and to sign and subscribe such examination as aforesaid, according to the true Intent and Meaning of this Act.

*Provided always*, That in Case any Person or Persons shall be committed as aforesaid for refusing to be sworn or affirmed, or to Answer, or for not fully Answering any Question or Questions put to him, her or them by the said Justice and Trustees, or the Major Part of them then present by word of Mouth, or on Interrogatories, that the said Justice of the Peace shall in his Warrant of Commitment specify such default respectively; And if the Commitment be for refusing to Answer any Question or Interrogatory the said Justice shall in his Warrant specify such Interrogatory or Interrogatories Question or Questions.

*Provided also*, That in Case any Person or Persons committed by such Warrant or Warrants by virtue of this Act, shall bring any *Habeas Corpus* in order to be discharged from any such Commitment, and on the return of any such *Habeas Corpus* there shall appear any insufficiency whatever in the form of the Warrant whereby such Person

Proceedings and examination before Justice.

Answers of persons sworn, how reduced to writing, and subscribed.

Commitment of persons refusing to be sworn or answer, etc.

Warrants of Commitment, to specify particular default, etc.

Proceedings, upon Habeas Corpus brought by person committed.

was committed, by reason whereof the Party might be discharged of such Commitment; That then it shall and may be lawful for the Court or Judge before whom such Party shall be brought by Habeas Corpus as aforesaid, and such Court or Judge shall, and is hereby required, by Rule, Order or Warrant, to commit such Person or Persons to the same Prison to which he was first committed there to remain as aforesaid, unless it shall be made appear to such Court or Judge, by the Party committed, that he, she or they have fully answered all lawful Questions put to him, her or them by the said Justice and Trustees, that were then present, or the Major Part of them; Or in Case such Person was committed for not signing his, her or their examination unless it shall be made appear to such Court or Judge, that the party so committed, had a good and sufficient Reason for refusing to sign the same And in Case any Goaler or Keeper of any Prison or Goal to whom any such Person or Persons shall be committed as aforesaid, shall wilfully suffer any such Person or Persons to escape from such Prison until he she or they shall be duly discharged as aforesaid such Goaler or Keeper shall for every such Offence, being first duly Convicted thereof by indictment or Information forfeit to the Trustees appointed to manage and distribute the Estate and Effects of such absconding or concealed Person or Persons respectively a Sum equal to all such Sum or Sums of money as shall be due or owing to the Creditor or Creditors of such absconding or concealed Person or Persons; provided the same does not exceed the Sum of One Thousand pounds, to be sued for recovered and levied by the said Trustees or the Survivors or Survivor of them in any Court of Record within this Colony, and distributed as hereinafter directed.

Power of  
Judge to  
recommit.

Forfeiture  
by Keep-  
ers of  
Prisons,  
etc., suf-  
fering  
wilful es-  
capes of  
debtors.

How re-  
covered  
and dis-  
tributed.

*And be it Enacted by the same Authority,* That in Case any Person so to be examined as aforesaid either in Court or before such Justice and Trustees as aforesaid shall wilfully and knowingly swear or affirm falsely the Person so offending, shall be liable to all the same Pains and Penalties as those who are Convicted of wilfull and corrupt Perjury.

False  
swearing  
upon ex-  
amina-  
tion deem-  
ed Perjury

*And be it Enacted by the Authority aforesaid,* That any Person or Persons (other than those who have the Effects in their Custody) who shall discover any Effects of any absconding or concealed Debtor or Debtors secreted contrary to the true Intent and Meaning of this Act, so that they be recovered by the Trustees of such absconding or concealed Person or Persons Estate; shall be and hereby is or are entitled to Ten per Cent on the Value of all Effects so discovered, recovered and received by the said Trustees, to be paid to the discoverer or discoverers, by the said Trustees out of the Estate or Effects of such absconding or concealed Debtor or Debtors.

Persons  
discover-  
ing secret-  
ed effects  
of Debt-  
ors, how  
compen-  
sated.

*And be it further Enacted by the Authority aforesaid,* That the Trustees of any absconding or concealed Debtors Estate already appointed in Pursuance of any of the said Laws of this Colony relating to absconding and fraudulent Debtors, or hereafter to be appointed in Pursuance of this Act, or any two of them are hereby fully empowered to settle and adjust all Matters, Contracts and Accounts that may be subsisting between such absconding or concealed Person or Persons, and his her or their Debtor or Debtors; And also between such absconding or concealed Person or Persons, and his her or their Creditor or Creditors; and to examine any Person or Persons upon Oath concerning any Matters, Accounts or Settlements between them or either of them; which Oath the said Trustees or any one of them, two of them being present, is and are hereby empowered to Administer.

Trustees  
of ab-  
sconding  
Debtors  
may settle  
with cred-  
itors, etc.

May ex-  
amine  
persons  
under  
oath, as to  
accounts,  
etc.

Trustees  
empower-  
ed to set-  
tle contro-  
versies, by  
Referees.

And for the greater ease and relief of such Trustees as aforesaid, Be it Enacted by the same Authority, That in Case any Controversy shall arise concerning any Debt, Matter or Thing claimed by any Creditor or Creditors, of such absconding or concealed Person or Persons; or concerning any Debt due, Duty Matter or Thing claimed by the said Trustees from or against any Person or Persons, as belonging to, or in right of the Effects or Estate of such absconding or concealed Debtor or Debtors; or concerning or relating to any Contract or Agreement entered into or made by such absconding or concealed Debtor or Debtors; or concerning or relating to any Contract or Agreement entered into or made by such absconding or concealed Debtor or Debtors previous to such public Notice as aforesaid first given, it shall and may be lawful for such Trustees already appointed as aforesaid or hereafter to be appointed in Pursuance of this Act or any two of them or the Survivors or Survivor of them, to have every such Controversy determined in the following manner, that is to say, the said Trustees or any two of them or the Survivors or Survivor of them may nominate two Referees not being Creditors of such absconding or concealed Debtor or Debtors or to them known to be otherwise interested in such Controversy or related to any Person interested in such Controversy, and the other Party or Parties in such Controversy shall also nominate two indifferent Persons to be Referees and their Names shall be separately written on four pieces of paper as nearly as may be of the same size and figure, which shall be rolled up separately in the same manner and put into a Box, and from thence one of the Trustees shall draw out three of the said pieces of paper and the Persons whose names are so drawn, shall finally settle such Controversy; And if any Referees so appointed shall refuse or be incapable of acting in a reasonable Time, a new choice shall be made in like manner as before of another or others in the Room of him or them so refusing or being incapable of acting as aforesaid; And in Case any Person or Persons who shall have any Controversy with any such Trustees as aforesaid shall refuse to nominate fit Persons to be Referees on his or their Part, Then such Trustees or any two of them, or the Survivors or Survivor of them are hereby empowered to nominate Referees for him or them so refusing and to proceed to the final Settlement of such Controversy in manner aforesaid.

Referees  
how se-  
lected by  
Lot.

Trustees  
to convert  
estates of  
Debtors  
into  
money.

To call  
Meeting  
of Credit-  
ors, and  
ascertain  
indebted-  
ness.

Proceed-  
ings at  
Meetings.

And be it further Enacted by the Authority aforesaid, That all Trustees hereafter to be appointed by Virtue of this Act, shall proceed to convert the Estate or Estates Real and Personal of such absconding or concealed Debtor or Debtors for the Management of which Estates respectively they shall be appointed into money, and collect the Debts due to the same, And that the said Trustees or any two of them, or the Survivor or Survivors of them, shall cause public Notice to be given in one or more of the public News Papers printed in the City of New York requesting a general Meeting of all such Creditors as shall choose to attend to examine and see the Debts due to each Person ascertained, at a certain Time and Place by such Trustees in their said Notice to be appointed, which shall not be less than two, nor more than three months after such said Notice given, nor more than one year and an half from the Time of their first Appointment: At which Meeting or other Subsequent Meetings necessary for that purpose, to be continued by Adjournments if necessary, when all Accounts are fairly stated and adjusted, they shall proceed to make a Distribution or Division amongst the Creditors in Proportion to their respect-

ive just Demands, of all monies as shall have come to their Hands as Trustees of such Estate or Effects (of which all Forfeitures by them recovered and received by virtue of this Act shall be considered as a part) first deducting thereout all legal Charges and Commissions; in which Payments no preference shall be allowed to Debts due on Specialties: And if the whole of such absconding or concealed Debtor or Debtors Estate, shall not be then settled and distributed, such Trustees or any two of them or the Survivors or Survivor of them shall within the space of one year thereafter make a second Dividend of all such Monies as shall have come to his or their Hands after the first division, and so from Year to Year until a final Settlement thereof and a just and equal distribution of such Estate or Effects shall have been made amongst the Creditor or Creditors of such absconding or concealed Debtor or Debtors in Proportion to their respective just Demands. And if any surplus shall remain after all just Debts and legal Charges and Commissions are fully paid and satisfied such Surplus shall be paid or delivered to the said Absconding or concealed Person or Persons, his her or their Executors Administrators or Assigns.

Distribu-  
tion  
among  
Creditors.

Final Settle-  
ment  
and distri-  
bution.

Surplus,  
when pay-  
able to  
Debtor.

And be it further Enacted by the Authority aforesaid, That any Person or Persons who may have given Credit to any such absconding or concealed Debtor or Debtors on a valuable Consideration for any Sum of money which shall not be due or payable at the Time of any such division or distribution as aforesaid, but will become due or payable at some after Time, shall and may nevertheless, be admitted and considered as a Creditor or Creditors, whose Debts were then due, and shall receive a Dividend of the Estate of such absconding or concealed Debtor or Debtors in the same Proportion as other Creditors, deducting thereout only a rebate of legal interest for what shall be received on such Debt or Debts, to be computed from the actual Payment thereof, to the Time of such Debt or Demand respectively would have become due.

Payment  
of propor-  
tion of  
dividend,  
for de-  
mands not  
due, upon  
certain re-  
bate.

And be it further Enacted by the same Authority, That if any Creditor or Creditors shall neglect or refuse to give Notice of, or deliver in to the said Trustees an Account of his, her or their Debt or Demand, or having any Controversy relating to or concerning the Estate of such absconding or concealed Debtor or Debtors, shall refuse to adjust or settle the same with the said Trustees in the manner in and by this Act directed until after a Division shall have been made of the Monies and Effects in the Hands of the said Trustees any such Creditor or Creditors shall not be entitled to any Dividend, and the whole monies then in Hand to be divided shall be divided by the said Trustees among the other Creditors: But in Case the whole of such Debtor or Debtors Estate shall not be divided and settled at the first Division, then if such Creditor or Creditors respectively shall prove and deliver in to such Trustees, his her or their Debt or Demand, before the Time appointed for the second Division; or shall have settled such Controversy as aforesaid with the said Trustees, then such Creditor or Creditors shall have his, her or their first Dividend, or so much money as he would otherwise have been entitled to on the first Division before any second Dividend shall be made.

Neglect of  
Creditors  
to present  
claims,  
etc., effect  
of.

And be it further Enacted by the Authority aforesaid, That any Creditor or Creditors residing out of this Colony shall be entitled to all the Privileges and Benefits of this Act; And that the Attorney or Attornies of every such Creditor or Creditors residing out of this Colony on producing a Letter of Attorney from such Creditor or Creditors

Creditors,  
not resid-  
ing in  
Colony,  
rights of,  
secured.

May appear by attorney.

duly Authenticated and legal Proof of the Debt due shall and may in all Respects act do and proceed, for and in behalf of such Creditor or Creditors, in the same manner as such Creditor or Creditors might or could do, for securing or recovering their respective Debts from such absconding or concealed Debtor or Debtors, if such Creditor or Creditors was or were personally present.

Estates in Colony, of non-resident debtors, subject to seizure for debt.

*And Whereas* Persons who dwelt out of this Colony may be indebted within the same and have Estates or Effects sufficient within the same to pay and satisfy such Debts or Parts thereof, *Be it also Enacted by the same Authority*, That the Estates, Goods, Chattels and Effects real and personal of all and every such Person and Persons (so indebted) as do or may dwell or reside out of this Colony, shall also be Subject and liable to be taken, seized, proceeded against sold, conveyed and disposed of, for the Payment and satisfaction of such of the said Debts as abovesaid, as near as may be in like manner as the Estates and Effects of other Debtors in and by this Act are made subject and liable to.

Proof of non-residence, how made.

*Provided always*, That instead of the Proof of Absconding or Concealment of such Debtor or Debtors the Creditor or Creditors applying for any Attachment, against the Estate or Effects of any Person or Persons residing out of this Colony, shall make Proof by two Witnesses to the satisfaction of the Judge or Judges to whom Application for such Attachment shall be made, that such Debtor or Debtors reside out of this Colony. *And also Provided*, That in any such Case no Trustees shall be appointed until the Expiration of one Year after such public Notice as aforesaid given.

Trustees, when appointed.

Right of certain judges, etc., to put this Act into effect.

*And be it further Enacted by the Authority aforesaid*, That the Judges of the Inferior Court of Common Pleas in each County within this Colony, and the Mayor and Recorder of the City of New York and each and every of them is hereby authorized and empowered to put this Act in Execution in their respective Counties, where the Debt or Sum due to any one Creditor or joint Company applying for relief does not exceed one Hundred Pounds.

Judges of Supreme Court, when to award writs of *Certiorari*.

*Provided always*, That where Warrants shall be issued by any Judge or Judges of the Supreme Court and also by any Judge or Judges of any of the said Inferior Courts against the Estate or Effects of the same Person or Persons, in such Case, the Judges of the Supreme Court or any one of them shall award a Writ or Writs of *Certiorari* to the Judge or Judges of such Inferior Court, as the Case may require, to remove the Proceedings there, before the Judge or Judges of the Supreme Court, that he or they may proceed upon both Warrants or either of them.

Judges granting Warrants of Attachment, to report thereon to Court.

*And be it further Enacted by the Authority aforesaid*, That the Judge or Judges who shall issue any Warrant or Warrants of Attachment in Pursuance of this Act, shall make Report to the Court whereof he or they is or are Judge or Judges, of the Proof of the Debt or Demand made by the Creditor or Creditors, on whose Application such Warrant or Warrants issued, of the issuing of such Warrant or Warrants, of the Notice thereon ordered, of the Publication of such Notice, of the Appointment of Trustees, and of all other Matters required of him or them by this Act, to be done out of Court; and cause that Report to be entered in the Minutes of the said Court, to be Evidence of the Facts so reported. And such Report or the Record or Entry thereof in the Minutes of the said Court, shall be full and conclusive Evidence of the Facts so reported in all Courts of Record within this Colony.

To cause report to be entered in Court Minutes.



*And be it further Enacted by the Authority aforesaid,* That the Judge or Judges who shall make any such Appointment of Trustees, shall and is and are hereby required at the request of the Trustees thereby appointed or any one of them, to endorse on such Appointment an allowance that the same may be recorded; which allowance signed by the said judges or any one of them, if a Judge of the Supreme Court shall be a sufficient Warrant and Authority to the Secretary of this Colony, and all or any of the Clerks of the respective Cities or Counties within this Colony to record the same. And if such Judge be a Judge of an Inferior Court of Common Pleas, shall be a sufficient Warrant and Authority to the Clerk of the Court or County whereof he is a Judge to record the same. And any Appointment of Trustees under the Hand and Seal, or Hands and Seals of any Judge or Judges authorized to put this Act in Execution or the Record thereof duly made in the said Secretary's Office, or in the Office of the Clerk of any City or County of this Colony, shall be full and conclusive Proof in all Courts and Places within this Colony, That the Person or Persons against whose Estate or Effects such Warrant or Warrants issued was or were at the Time of issuing thereof, either absent, absconding or concealed Debtor or Debtors, within the meaning of this Act; And that the said Appointment and the Proceedings previous thereto were regular and according to the directions of this Act.

Judge appointing Trustees, under this Act, to endorse same for record.

Effect of recording such appointments.

*And Whereas* the Affidavits or Affirmations of the Creditors, whereon Warrants of Attachment have issued against secreted or absconding Debtors by virtue of sundry Laws of this Colony relating to fraudulent and absconding Debtors, and the Warrants of Attachment issued as aforesaid, and the Sheriffs returns thereof and Inventories therewith returned, have usually remained with the Judge or Judges who issued the same, or one of them; And the Appointment of Trustees made in Pursuance thereof remained in the Hands of the Trustees appointed or one of them; And by reason of the decease of such Judges, and death or removal of such Trustees, are many Times lost or mislaid; By means whereof such Persons as have or may Purchase any Messuages, Lands, Tenements or Hereditaments which were of such absconding concealed or secreted Debtors from or under any Trustees for all the Creditors of any secreted concealed or absconding Person or Persons appointed as aforesaid may be disabled to make out their Rights and Titles to the same; And such Affidavits or Affirmations, Warrants of Attachment or Appointments of Trustees, in Case they can be found are not at present of record, or filed in any public Office of Records; which may be of evil Consequence to such Purchasers as aforesaid, or Persons claiming under them; for remedy whereof.

*Be it Enacted by the Authority aforesaid,* That any Judge or Judges who shall issue such Warrant or Warrants of Attachment as aforesaid, pursuant to this Act, shall, and he or they is and are hereby required and directed, to cause the Affidavits or Affirmations, of the Creditor or Creditors made before him or them previous to the issuing of such Warrant or Warrants respectively, within Thirty Days after the taking of such Affidavit or Affirmation; And such Warrant or Warrants of Attachment as aforesaid, within Thirty Days after the return thereof by such Sheriff as shall return the same, together with the Sheriffs return thereof to be delivered into the Office of the Clerk of that Court, whereof he or they is or are Judge or Judges, which Clerk is hereby required and commanded to mark or cause them to be marked respectively, with the Day and Year on which each of them respectively shall be filed in his office, and to preserve the same amongst

Judges issuing Warrants of Attachment, to file same, with affidavits, etc., with Clerk of his Court.

Trustees, conveying real property, to record their certificates of appointment.

Effect of record of such appointment and conveyance, by Trustees.

*Bona-fide conveyances by Trustees, heretofore appointed, when deemed valid.*

Proviso as to possession.

Trustees to keep account book of receipts.

To be open to inspection of Creditors.

Trustees subject to orders of Court.

To render an account of proceedings to Court.

the Papers filed in such Office. And all Trustees hereafter to be appointed by Virtue of this Act, or the Survivors or Survivor of them who by virtue of such Appointment, shall sell and convey any Messuages, Lands, Tenements or Hereditaments shall cause such Appointment of Trustees to be duly proved or acknowledged and allowed so that the same may be recorded, and shall cause the same to be entered of Record either in the Secretary's Office of this Colony or in the Office of the Clerk of the City or County wherein such Messuages, Lands, Tenements or Hereditaments do lie; And every Appointment of Trustees for the Estate of any fraudulent or absconding or concealed Debtor heretofore made by any Judge or Judges of the Supreme Court, or any of the Inferior Courts of Common Pleas in this Colony or by the Mayor or Recorder of the City of New York; And every Appointment of Trustees hereafter to be made in Pursuance of this Act or the Record thereof made by such proper Officer as aforesaid, or an Office Copy thereof attested by any such proper Officer as aforesaid, in Case such Record should have perished by Fire or other Accident, together with a legal Title or Conveyance from such Trustees or any two of them, or the Survivors or Survivor of them, proved or to be proved in such due form as by Law required shall be a full, compleat and perfect Title for such Messuages, Lands, Tenements or Hereditaments to such Purchaser or Purchasers, his her or their Heirs and Assigns, against such absconding or concealed Debtor or Debtors, his her or their Heirs and Assigns and all other Persons claiming or to claim by from or under him her or them, by virtue of any Act, Deed, Matter or Thing after such first public Notice as aforesaid given. And all Sales and Conveyances of any Messuages, Lands, Tenements, or Hereditaments heretofore *bona fide* sold and conveyed by any Trustees heretofore appointed by such Judge or Judges as aforesaid for the Management and Distribution of the Estate of any absconding or concealed Debtor or Debtors are hereby confirmed and declared to be valid and effectual to all Intents and Purposes to such Purchaser or Purchasers his her and their Heirs and Assigns against such absconding or concealed or absent Debtor or Debtors his her or their Heirs or Assigns or any Person claiming or to claim by from or under him her or them, by virtue of any Act, Deed, Matter or Thing after such first public Notice as aforesaid given.

*Provided always,* That such Purchaser or Purchasers his her or their Heirs or Assigns now are and have been for the space of three Years last past in the actual Possession of such Messuages, Lands, Tenements or Hereditaments.

*And be it further Enacted by the Authority aforesaid,* That such Trustees as shall hereafter be appointed by virtue of this Act, shall keep a regular Book, or regular Books of Account, of all such monies as shall come to their Hands, by reason or on Account of such their Appointment, to which Book or Books every Creditor interested in such monies or Estate, at all reasonable Times, may have recourse. And that such Trustees and each of them shall be Subject to such Orders and Directions for the more effectual putting this Act in Execution and finishing a Distribution of such Estate or Effects as may come to their Hands by virtue of such Appointment, as shall from Time to Time be made and given in the Court by the Judge or Judges whereof such Appointment of Trustees was made. *And also* that such Trustees shall render unto the Court by the Judge or Judges whereof they were appointed a just and true Account or Accounts in Writing upon Oath made in open Court, of their Proceedings and Accounts in

the Premises by virtue of their Appointment, which shall be filed with the Clerk of the said Court for the satisfaction of all Persons concerned: And such Trustees of the Estate of any such absconding or concealed Person or Persons already appointed, or hereafter to be appointed, shall and may retain and keep in their Hands for the Trouble and Services to be by them performed the Sum of Five per Cent on the whole Sum which shall come into their Hands by Virtue of such Appointment before each Dividend made, over and above all necessary Disbursements in the Premises.

Trustees, to be allowed five per cent for services, etc. How computed.

*And be it further Enacted by the Authority aforesaid, That any Judge or Judges who have issued any Warrant or Warrants in Pursuance and by Virtue of any Act or Acts against fraudulent absconding or concealed Debtors may proceed thereon by Virtue of this Act; And that Trustees appointed by any of the said Acts may exercise all the Powers given by this Act to such Trustees and shall be Subject to such Rules, Orders and Regulations as in and by this Act are appointed.*

This Act, made applicable to proceedings, etc., already commenced.

*And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall be sued, for any Matter or Thing done in Pursuance or by virtue of this Act, it shall and may be lawful for him her or them to plead the general Issue, and give the special Matter in Evidence. And also that this Act shall be beneficially construed for the Creditors in all Courts of Record within this Colony. And that the same shall continue and be in Force as to the Powers of Judges to grant such Warrants of Attachment, and exercise the Powers, hereby given until the First Day of February which will be in the Year of our Lord one Thousand, seven Hundred and Eighty five and from thence to the End of the then next Session of the General Assembly of this Colony: But shall continue and be in full Force, as to the Power of every Court, Person and Trustees, that shall be appointed as aforesaid by virtue of this Act before its above Limitation, and have any Duty or thing thereby enjoined or required to be done until a full and final Settlement and Distribution shall be by them made and finished according to the true Intent and Meaning of this Act.*

Persons sued for proceedings under this Act, may plead General Issue, etc.

This Act how construed.

How long to continue in force.

## Chapter XCIX.

(CHAP. 47, LAWS OF 1775.)

AN ACT for the relief of insolvent Debtors within this Colony, with respect to the Imprisonment of their Persons.

PASSED the 3d of April 1775.

WHEREAS it has been represented to the General Assembly that the Preamble. several Persons herein after named imprisoned in different Goals in this Colony are destitute of even the common Necessaries of Life, and it is conceived reasonable if their Creditors will not consent to their Enlargement or contribute to their Subsistence, that such Persons should be relieved by the Legislature, to this End,

*Be it Enacted by his Honor the Lieutenant Governor, the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That such of the Creditors of the following Persons, confined in the*

Creditors to make weekly allowance to certain Debtors, herein named, so long as imprisoned.

different Goals in this Colony, to wit, William Hedges and Jeremiah Hedges in the County of Suffolk; Jacobus Van Kleek, Thomas Palmer, Edward Simmonds, Jeremiah Jones, Isaac Finch, Frayer Ter Boss, Alexander Griggs, John Krankhyt, Justus Knap, Frederick Klein and Lewis Bogardus in Dutchess County; Isaac Wood in Richmond County; Isaac Van Valkenburg, John W. Wendell, Volkert Dawson, Dennis Sullivan, Jacob Barney, John R. Wendell, James Pearce, Sibastian Keezer, Samuel Loadman, Stephen Mason, Jonathan Washburn, John Wolf Reighly, and John Smith, in Albany County; Isaac Post in Orange County; Nathan Furman in Kings County; Hendrick Wemple in Tryon County; Thomas Vernon, Isaac Romyn, Thomas Lupton, Hendrick Bogert, John Osburn, Henry Burtzell, John Roberts, Oliver Loshier, Robert Welsh, Mauritz Gobel, John Delanoy, Abraham Wheeler, Samuel Hunt, Samuel Tanner, Alexander Forbes, Abraham Krankhyt, Susannah Spencer, Mary Thompson, Sarah Church, & John Burrowe in the City of New York; Henry Coutant, John Anderson, Philip Richie, Henry Bancker, Isaac Jones, Abraham Yeomans, and Oliver Killock in West Chester County; William Brace in Cumberland County; and Henry Rosekrans Junior in Dutchess County who shall insist upon such their Debtors being detained under their respective Confinements shall within four Weeks after the first Publication of such Advertisements as are herein after directed agree by Writing under their Hands to pay and allow three Shillings and six Pence per Week unto the said Prisoners respectively, to be paid the Monday of every Week so long as he or she shall continue in Prison at his her or their Instance, and if such Agreement as aforesaid shall not be entered into, or if entered into not punctually complied with, and on failure of the Payment of such weekly Sum at any Time, such of the said Prisoners whose Creditor or Creditors shall not enter into such Agreement, or shall fail complying with it as aforesaid, shall be entitled to the Benefit of this Act, upon complying with the Terms and Conditions herein after imposed.

Rights of imprisoned Debtors, in case no agreement is made, etc.

May apply to Court for discharge.

Petition to court to contain Inventory and account of his property.

Notice to Creditors, how published.

*And be it further Enacted by the Authority aforesaid,* That it shall and may be lawful for each and every of the abovenamed Persons to present a Petition to the Court out of which any Process against them respectively hath issued, and upon which they are imprisoned, or to any two of the Judges of such Court, certifying the Cause or Causes of his Imprisonment, and exhibiting an Account and Inventory of his whole real and personal Estate, and of the Securities relating to the same, which Petition with the said Account and Inventory shall be lodged with the Clerk of the said Court for the Inspection of the Creditors; and after such Petition presented and Account and Inventory filed, such Prisoners shall respectively publish Advertisements in one or more of the public News Papers of this Colony notifying their Creditors that they intend to apply to the said Court or to any two of the Judges thereof who shall attend, at a certain Day not less than four weeks from the Publication of such Advertisements respectively to be discharged according to the Prayer of his her or their said Petition, at which Day the said Court or the said two Judges may and are hereby required by Precept under their Hands and Seals directed to the Sheriff Goaler or Officer in whose Custody such Prisoner or Prisoners may be, to order the said Prisoner or Prisoners respectively to be brought up before such Court or such Judges, and unless it be made appear that such Provision as aforesaid hath been made for the Subsistence of the said Prisoner or Prisoners by his her or their Creditors respectively, the said Court or Judges

Court may administer Oath to Prisoners.

may then respectively administer the following Oath or Affirmation to wit, "I, A B do solemnly swear or affirm that the Account by me filed in the Office of the Clerk of the Supreme Court (or in the Office of the Clerk of the County of - - - - - naming the County, as the Case may be) is a just and true Account of all my Creditors, and the Monies owing to them respectively by me, to the best of my Knowledge and Remembrance; and that the Inventory and Account by me filed in the said Clerk's Office is a just and true Account of all my Estate real and and personal, both in Law and Equity, either in Possession Reversion or Remainder (the necessary wearing Apparel of myself and Wife and Children, and Family immediately under my Care excepted,) and I have not directly or indirectly sold leased assigned or otherwise disposed of, or made over, either in Trust for myself or otherwise except as set forth in the same Account and Inventory any Part of my Estate real or personal for my future Benefit, or in order to defraud my Creditors, and that none of my Creditors reside in Great Britain so help me God." Which Oath or Affirmation being taken, if the Truth thereof shall be denied or controverted by any of the Creditors, the said Court or Judges may appoint some further Day for hearing the Parties as well Debtors as Creditors, and upon such further hearing, may in their Discretion, either remand the said Debtors or proceed to their Discharge, as if no such further Hearing had been required; but if the said Oath or Affirmation shall not be controverted or denied, then the said Court or Judges may immediately order the Lands Goods and Effects contained in such Account and Inventory to be, by a short Indorsement on the back of such Petition executed by the Prisoner, assigned to the said Creditors, or to one or more of them, or to some other Person or Persons to be appointed by the said Court or Judges respectively, in trust for all the Creditors; and also for all Attornies, Sheriffs Goalers and other Officers with respect to their Fees, for which they shall come in as the Creditors of the Insolvent, abating *pro rata*, by which Assignment such Estate shall actually vest in and be taken in Possession by the said Trustee or Trustees according to the Purport of such Assignment, and shall be divided by the Assignees from Time to Time among all the Creditors in Proportion, after six Months previous Notice published in one of the Public News Papers of this Colony of such Assignment, and requiring all the Creditors to send in their Demands, and if any Part thereof is in Possession of any other Person or Persons, the same shall be recoverable in the Name or Names of such Trustee or Trustees who are hereby fully authorized to dispose of, and execute good and sufficient Deeds for the same, or any Part thereof; and to divide and distribute as well the Monies thence arising, as such other Monies which shall come into their Hands by virtue of this Act, among the Creditors of the said Debtors respectively, and the Officers aforesaid to whom any Fees may be due, in proportion to their respective Debts or Demands, according to the true Intent and Meaning of this Act, to which no Release from the Insolvent shall be any Bar: and immediately upon such Assignment being made, the said Prisoner or Prisoners shall by Order of the said Court or Judges be discharged out of Custody: And such Order shall be a sufficient Warrant to the Sheriff Goaler or Keeper of such Prisoner to discharge such Prisoner or Prisoners, if detained for no other Cause or Causes than those mentioned in such his or their Petition, and he is required forthwith to discharge and set him or them at Liberty without Fee; and upon

Form of  
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Power of  
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discharge  
or remand  
debtor.

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Inventory,  
in Trust,  
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Duty of  
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Prisoners  
to be dis-  
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ment.

To be released from Debts, etc., upon discharge. Willful false swearing, punishable by death.

Debtors confined by Supreme Court, may take required Oath before Inferior Court.

Proceedings thereupon.

General Issue, plea of, in certain cases.

Act not to extend to Debtors of Crown, nor affect creditors in Great Britain.

Act not to release any Deputies, Bailiffs, etc., of Dutchess county Sheriff.

such Discharge the said Debtors shall be finally released from all Debts contracted and all Judgments obtained, before that Time, and shall not be liable to be sued or arrested, or to have their Lands or Tenements, Goods or Chattels, seized by virtue, or in Consequence thereof, and every Person who shall be convicted of wilful false-swearing in any Matter or Article contained in the said Oath, he or she shall be guilty of Felony and suffer the Pains of Death without Benefit of Clergy.

*Provided nevertheless and be it also enacted by the same Authority, That if any or either of the said Insolvent Persons other than such as are confined in the Goal of the City and County of New York, shall be imprisoned by virtue of Process of the Supreme Court it shall be lawful for such Persons respectively to take such Oath or Affirmation as aforesaid before any one of the Judges of the Inferior Court of Common Pleas of the County in which they are respectively imprisoned, and such Oath or Affirmation being subscribed by such Debtor and certified by such Judge to transmit to the said Judges of the Supreme Court at the Day mentioned in such Advertisement for the Purpose aforesaid, and on such Day such Judges of the Supreme Court may proceed to issue their Order or Warrant commanding the Sheriff in whose Custody such Insolvent Debtor may be to discharge such Debtor immediately after he shall have executed such Assignment as by this Act is directed in the Presence of two Witnesses of whom the said Sheriff or one of his Deputies shall be one.*

*And be it further Enacted by the Authority aforesaid, That if any of the said Debtors shall be sued for any Debts accrued before the passing of this Act, or if any Judge or other Officer shall be sued for any Thing done in pursuance, and under the Authority of this Act, such Defendant may plead the general Issue, and give this Act and the special Matter in Evidence, *Provided, That this Act shall not extend to discharge any Person who shall stand committed at the Suit of the Crown, And provided also That this Act shall not be construed to affect any Creditor or Creditors residing in Great Britain, any Thing herein contained to the contrary notwithstanding.**

*And Whereas the said Henry Rosekrans Junior did heretofore hold and exercise the Office of High Sheriff in and for the County of Dutchess, during which Time sundry Escapes as hath been alledged happened by Means or through the Default of Persons acting under him as Deputies Goalers or Bailiffs in the said Office, And Whereas such Persons may also be liable in other Respects for Matters arising in the Execution of such their Office. *Be it therefore provided and enacted, and it is hereby enacted by the Authority aforesaid, That Nothing herein contained shall in any Wise or Manner or by any Construction whatsoever be deemed or held to discharge or release the said Persons so having acted as Deputies, Under Sheriffs, Goalers and Bailiffs to the said Sheriff as aforesaid or any of them, from any Cause Action or Remedy to which they may be liable for or by reason of any Matter or Thing whatsoever, by them or any of them done suffered or permitted in such their Office of Deputy or Under Sheriff, Goalers and Bailiffs as aforesaid, but that all such Person or Persons who before the passing of this Act may have been intitled by Law to any Suit Action Claim or Demand against such Deputies, Under Sheriffs, Goalers or Bailiffs or any of them shall or may, in all respects whatsoever, sue, prosecute and maintain the same in such Manner and Form to all Intents and Purposes as if this Act had never been passed, or as if the said Henry Rosekrans had not been named or**

mentioned therein, any Thing herein contained to the contrary thereof in any wise notwithstanding.

*And be it further also enacted and it is hereby enacted by the Authority aforesaid,* That in all Cases whatsoever, wherein the said Henry Rosekrans Junior before the passing of this Act was by Law liable to any Person or Persons for or on Account or by Reason or Means of any Matter or Thing whatsoever done committed suffered or neglected by the said Persons so having acted as the Deputy or Under Sheriffs or Goalers of the said Henry Rosekrans Junior as aforesaid or any of them, and wherein also upon any Suit Judgment and Recovery against him the said Henry Rosekrans Junior (for or by reason of any such Matters or Things so done committed suffered or neglected by his said Deputies Under Sheriffs, Goalers or Bailiffs as aforesaid, he the said Henry Rosekrans Junior) would have been intitled by Law to any Action Suit or Remedy against such Deputies Under Sheriffs Goalers and Bailiffs or any of them or against their or any of their Securities; that in all such Cases it shall and may be lawful to and for all such Person or Persons having any Claim Demand or Cause of Action for or by Reason of the Premises to sue and prosecute such Action or Actions in the Names of the Trustees of the Estate of the said Henry Rosekrans Junior to be appointed in Virtue of this Act against such Deputies Under Sheriffs, Goalers and Bailiffs or any of them, or their or any of their Securities, as he the said Henry Rosekrans Junior might have sued maintained and prosecuted against them or any of them respectively if any Judgment and Recovery had been obtained against him for or by Reason of any such Matters and Things aforesaid before the passing of this Act; In which said Suits so to be commenced as aforesaid, it shall not be necessary for the Plaintiffs to alledge or prove that any Judgment or Recovery was had or obtained against the said Henry Rosekrans Junior or that the Monies thereby demanded had been paid by him.

Demands against said Sheriff, for defaults of his Deputies, etc., how sued for.

*Provided nevertheless* That in such Suits as aforesaid the said Trustees shall not be liable to pay any Costs, but all such Costs which by Law would have been chargeable on the Plaintiffs, shall be paid by the Person or Persons for whose Benefit such Suits respectively shall be prosecuted as aforesaid, and *Provided also* that no such Suit or Action shall be discontinued or stayed by the said Trustees.

*And be it further Enacted by the Authority aforesaid,* That this Act and also one other Act made and passed this present Session of the General Assembly entitled "An Act for the Relief of Insolvent Debtors within this Colony," shall be deemed and construed as Public Laws, and as such shall be pleaded and taken Notice of in all and every the Courts within this Colony. *And* that all such of the above named persons as may not be actually in a common Goal in this Colony, but nevertheless in Custody of the Sheriff, or under an Arrest, shall be and hereby are declared intitled to the Benefit of this Act, as fully as if they were in actual Confinement.

This Act and Chapter C. deemed public Acts.

To extend to persons under arrest and not yet in confinement.

## Chapter C.

(CHAP. 48, LAWS OF 1775.)

## AN ACT for the Relief of Insolvent Debtors within this Colony.

PASSED the 3d of April 1775.

Certain Insolvent Debtors allowed benefit of Act of Dec. 19, 1766.

*Be it Enacted by his Honor the Lieutenant Governor, the Council and the General Assembly, and it is hereby Enacted by the Authority of the same,* That the following Persons Insolvent Debtors within this Colony, to wit Daniel Jones in the County of Suffolk, Arent Wemple, William Shadacker, Michael Losk, John Cole, Philip I. Bovee, Jacob Hilton, Jan Johannes Van Hoesen and Samuel Rose in the County of Albany, Gilbert Tice in the County of Tryon, Herman Courter, John Lewis, John Calder, John Gallaudet, Philip Simon, John Smallhood, Charles Gilmore, William Welsh, John Bergen, John Campbell, Joseph Maerschalk, Abraham Ferdon, Azor Betts, William Spotten, James Wilmot and Alexander McLean in the City of New York, Joseph Teed Junior and William Brown in the County of Westchester, John Pike in the County of Cumberland, and Thomas Hallett in the County of Queens shall and may and are hereby allowed to take the Benefit of the several Acts continued by an Act entitled, "An Act to continue the several Acts therein mentioned respecting the Relief of Insolvent Debtors." passed the Nineteenth Day of December one thousand seven hundred and sixty six, and which are expired by their own Limitation as fully and effectually as if the said Acts respecting the Relief of Insolvent Debtors were now in actual and full Force.

Certain Debtors arrested by Supreme Court process, may take Oaths before Inferior Court, etc.

*Provided nevertheless, And be it Enacted, by the same Authority,* That all such Oaths as by the said revived Acts, or any of them are required to be taken by the Insolvent Debtors or their Creditors before two or more Judges may be taken before one Judge only, and that with Respect to such of the said several above named Insolvent Debtors, who may have been Arrested by Process out of the Supreme Court of this Colony (other than such as are confined in the Goal of the City and County of New York,) it shall be lawful for the said Insolvent Debtors, and for any or either of the Creditors respectively, to take such Oaths or Affirmations as are directed to be taken by the said Acts hereby revived, before one or more of the Judges of the inferior Courts of Common Pleas within this Colony instead of taking such Oaths or Affirmations before one or more of the Judges of the Supreme Court, as is required by the said revived Acts; Which Oaths or Affirmations such Judges of the inferior Courts are hereby Authorized to Administer; And such Oaths or Affirmations respectively being reduced to Writing shall be Transmitted to the Justices of the Supreme Court, or any two of them, who may and shall proceed to the Discharge of such insolvent Debtors respectively, as if such Oaths or Affirmations had been taken before them or either of them; any Thing in the said hereby revived Acts to the contrary notwithstanding.

Oaths to be transmitted to Supreme Court.

Proceedings there upon.



## Chapter CI.

(CHAP. 49, LAWS OF 1775.)

## AN ACT to prevent the Exportation of unmerchantable Flour, and the false taring of Bread and Flour Casks.

PASSED the 3d of April 1775.

WHEREAS it is necessary that great Care be taken to preserve the Reputation of Flour, one of the Staple Commodities of this Colony,

*Be it therefore Enacted by his Honor the Lieutenant Governor, the Council and the General Assembly and it is hereby enacted by the Authority of the same,* That every Bolter of Flour and Baker of Bread for exportation from the Colony of New York shall each one for himself provide and have a distinguishable Brand-Mark with the initial Letter of his Christian Name, and his Sirname at length, and shall therewith brand each and every Cask of Flour and Biscuit of his own bolting or baking for exportation from this Colony before the same be removed from the Place where the same shall be so bolted or baked under the Penalty of one Shilling for every Cask so removed and not branded as aforesaid.

Bakers of bread, &c., to have and use Brand-Mark. Penalty for non-compliance herewith.

*And be it further Enacted by the Authority aforesaid,* That all Wheat Flour bolted for exportation as aforesaid, shall by the Bolter thereof be made Merchantable and of due fineness, and honestly and well packed in good strong Casks well made, and of Staves well seasoned with the Tare of the Cask marked thereon, and each and every Cask thereof shall be well hooped with ten Hoops at least, three of which to be on each Head; and shall be well and sufficiently nailed before the same shall be removed or carried from the Place where the same shall be packed as aforesaid, and every Bolter offending in all or any of the Premises shall forfeit and pay for every such Offence the Sum of one Shilling for every Cask.

Wheat Flour, how made and packed for export, etc.

*And be it further Enacted by the Authority aforesaid,* That if any Person or Persons shall put a false or wrong Tare on any Cask of Flour or Bread to the Disadvantage of the Purchaser, he she or they, shall forfeit and pay for every such Cask falsely tared as aforesaid the Sum of five Shillings to the Inspector or other Person discovering the same.

Penalty for non-compliance herewith.

Penalty for affixing false Tare.

*And be it further Enacted by the Authority aforesaid,* That no Flour shall be shipped for Exportation out of this Colony before the same Flour shall have been submitted to the View and Examination, and been inspected and approved by one, of the Inspectors herein after named or by virtue of this Act to be appointed, who shall bore the Head of each Barrel or Cask, and pierce the same through with an Instrument contrived for that Purpose, and examine try and determine whether the same Flour is of due fineness, and whether it has not been injured by being ground too close, or by some other means, so as to prevent its rising properly and making light Bread, and also whether it be honestly and truly packed, and shall then plug up the Hole, and if the said Inspector shall judge the same Flour to be merchantable and of due fineness, and that the same has not been injured in the Manufacturing or wet or otherwise damaged and that the same is honestly and well packed in such Casks, so made marked and branded as aforesaid then and not otherwise he shall brand every such Cask of Flour on the Quarter in a fair and distinguishable Manner with the Colony Arms and the initial Letters of his Name and Sirname if such Flour is manufactured in this Colony, and if the same is manufactured

Inspection of flour exported.

Manner of inspection.

How branded by Inspector.

His fees.  
 Proviso,  
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in any other Colony, he shall likewise brand on each Cask under the Colony Arms, the Name of the Colony where the same Flour is manufactured, for which Trouble the said Inspector who performs the Service shall receive of the Purchaser one Penny per Cask and no more, and the said Inspectors are hereby strictly charged not to brand any Cask of Flour for Exportation although the Flour should be of due fineness, unless it shall appear to them that the same Flour has not been injured in the manufacturing, and that it is really Merchantable, nor unless the same be honestly and well packed in good strong Casks well made, and of Staves well seasoned, and hooped and branded in the Manner herein before directed, and the Tare marked on each Cask.

Disputes  
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*Provided always and be it further enacted by the Authority aforesaid,* That if any Dispute shall arise between the said Inspectors or any or either of them and the Possessor of any Flour concerning the fineness or goodness thereof, on application to the Mayor Recorder or any one of the Aldermen of the Cities of New York or Albany, or to any Justice of the Peace in the County where such Dispute shall happen, he shall and is hereby required to issue his Warrant to three indifferent judicious Persons of Skill and Integrity to view and examine the said Flour one of them to be named by the Possessor of such Flour, one other of them to be named by the said Inspector, and the third by the said Magistrate, which three Persons shall be duly sworn by the said Magistrate carefully to examine the said Flour and make report to the said Magistrate forthwith, how they find the same, and the said Magistrate is hereby impowered and required to give Judgment agreeable to the Report of the Persons so named or to the Report of any two of them, and in Case the said Flour is judged not fit to be exported, the said Inspector shall not brand the same, nor shall any Person or Persons ship the same for Exportation on Pain of forfeiting the same: And the said Magistrate shall also award and order the Owner or Possessor of the said Flour to pay the said Inspector one Penny for each Cask of all such Flour as shall be judged not fit for Exportation as aforesaid with reasonable Costs and Charges, and the said Inspector shall and may recover the said Allowance, Costs, and Charges from the Owner or Possessor of the said Flour in the same Manner as Debts of five Pounds and under are or may be recovered in this Colony; but in Case the said Flour upon such Trial shall be found good and merchantable then the Charges of such Trial shall be paid by the Inspector or Purchaser at whose request such Trial is had, and to be recovered in the Manner aforesaid.

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*And be it further Enacted by the same Authority,* That if any Flour upon Inspection is adjudged by the Officer inspecting the same to be unfit for Exportation, and the Owner or Possessor thereof acquiesces in such Judgment, he shall pay the Inspector one Penny per cask for every Cask so rejected.

*And be it further Enacted by the Authority aforesaid,* That no Flour whatsoever not branded as aforesaid by one of the said Inspectors as and for good and merchantable Flour shall be shipped for Exportation out of this Colony under the Penalty of the Forfeiture and Loss of all such Flour so shipped, one half Part thereof to be paid to the Treasurer of this Colony for the Time being, to be applied for and towards the Support of the Government thereof, and the other half Part thereof to such Person as shall inform or sue for the same in any Court of Record in this Colony by Bill Information, Plaint or other Action, wherein no Essoin Protection or Wager of Law shall be allowed.

*And be it further Enacted by the same Authority,* That if any Person shall export out of this Colony any Flour not inspected and branded as aforesaid by one of the said Inspectors, such Exporter and the Master of such Vessel carrying such uninspected and unbranded Flour out of this Colony shall upon Conviction of such Offence in any Court of Record in this Colony severally forfeit the Sum of forty Shillings for every such Cask so exported or carried out of this Colony to be recovered in the Manner directed in the preceding Clause of this Act, the whole of which Fine and Forfeiture shall go to the Person prosecuting for the same, any Thing in this Act to the contrary notwithstanding.

Penalty for exporting flour not inspected and branded.

Fine, to whom payable.

*And be it further Enacted by the Authority aforesaid,* That the said Inspectors and each and every of them shall have full Power and Authority by virtue of this Act, and without any further or other Warrant to enter on board any Vessel whatsoever in the Harbours of the City of New York, Albany, or in any of the Counties herein after mentioned, to search for and make Discovery of any Flour shipped or shipping on Board any such Vessel for Exportation immediately from thence out of this Colony, and if the said Inspectors or any or either of them shall on such Search discover any Cask or Casks of Flour not branded as before directed the Person or Persons so shipping the same shall forfeit all and every such Cask and Casks of Flour so shipped or shipping and not branded in the Manner before directed, and the Master or Commander of such Vessel who shall knowingly receive any such Cask or Casks of Flour not branded as aforesaid shall forfeit and pay for each cask so received on Board his Vessel the Sum of ten Shillings, and if any person shall obstruct or hinder the said Inspectors or any or either of them in making such search as aforesaid, every Person so offending shall forfeit and pay the Sum of fifty Pounds.

Inspectors may enter vessels and search for flour not branded, etc.

Owners to forfeit flour unlawfully shipped, etc.

Penalty, from master of vessel, etc.

Penalty for obstructing search.

*And be it further Enacted by the Authority aforesaid,* That all Flour purchased for Exportation shall be inspected in the Manner aforesaid at or after the Time the same shall be so purchased for Exportation, and if any Purchaser of Flour for Exportation shall not have the same inspected as aforesaid, at or after the Time of such Purchase, such Purchaser shall forfeit and pay for every such Cask of Flour the Sum of ten Shillings although the said Flour may have been inspected and branded at any Time before the said Purchase.

Flour purchased for export, to be inspected after purchase.

Penalty for violation hereof

*And be it further Enacted by the Authority aforesaid,* That if any dispute shall arise between the Owner or Possessor of any Flour offered to be inspected and the Inspector or Inspectors, concerning the Place where such Flour offered for Inspection was manufactured, the Owner or Possessor thereof shall prove by himself or one credible Witness upon Oath or Affirmation before any Justice of the Peace to the best of his knowledge & belief where such Flour was manufactured or made.

Place of manufacture of flour, how proved on dispute.

*And be it further Enacted by the Authority aforesaid,* That no Inspector of Flour shall brand or mark as inspected any Cask of Flour wherever manufactured unless the initial Letter of the Christian Name and the Surname at length of the Manufacturer be first branded thereon.

Name of manufacturer, how branded on cask.

*And be it further Enacted by the Authority aforesaid,* That Francis Marschalk and Coenrad W. Ham, shall be and hereby are appointed Inspectors of all Flour intended to be shipped for Exportation directly from the Port of New York, and they shall once in every three Months account to each other, and divide the Allowance provided by this Act for their Trouble for inspecting the said Flour equally between them and shall each of them do as near as may be an equal Share of the Duty required of them by this Act, and if either of the said

Flour inspectors, for Port of New York.

Duties and compensation, how equalized.

**Vacancies in office, how filled.** Inspectors hereby appointed for the City of New York shall become incapable or neglect to execute his Office or die, then and in either of those Cases it shall and may be lawful to and for the Mayor, Aldermen and Commonalty of the City of New York, or the Major Part of them to enquire into the same, and if it shall appear to them that either of the said Inspectors is rendered incapable or doth neglect to execute his Office or is dead, that then and in either of these cases, they are to appoint another fit Person in his stead and such other so by them to be appointed shall have the same Powers, be under the same Restrictions, and take the like Oath as the Inspectors for the City of New York, are by this Act directed to take, but before the said Inspectors hereby or hereafter to be appointed for the City of New York shall do any Thing in the Execution of their said Office, they shall respectively take an Oath or if one of the People called Quakers an Affirmation before the Mayor or Recorder or one of the Aldermen of the City of New York in the Words following to wit: "I, A. B. do swear or Affirm, that I will faithfully truly and impartially according to the best of my Judgment Skill and Understanding execute do and perform the Office and Duty of an Inspector and Examiner of Flour according to the true Intent and Meaning of an Act entitled, An Act to prevent the Exportation of unmerchantable Flour, and the false taring of Bread and Flour Casks and that I will account with the Person appointed with me, or to be appointed as Inspector in the City of New York once in every three Months for the Allowance provided by the said Act for the Trouble of inspecting Flour and pay to him his Proportion thereof, so help me God."

**Oath of office of inspector.**

**Flour inspected in Albany, etc., may be directly shipped.**

*And be it further Enacted by the same Authority, That the Proprietor or Proprietors of any Flour inspected in the City and County of Albany, or in any of the Counties of this Colony, as by this Act is directed, shall and may ship the same directly out of this Colony from the Place where the same was inspected without being obliged to have the same reinspected.*

**Proviso as to Ship Stuff, etc.**

*Provided always, That Nothing in this Act contained shall be construed to prevent the Exportation of Cornel, Midling or Ship Stuff, provided the same be marked as such.*

**Flour inspectors for Albany county.**

*And be it further Enacted by the Authority aforesaid, That John Roseboom, Peter Vosburgh, and John A. Van Alen shall be and are hereby appointed Inspectors of Flour in the City and County of Albany; And that Zacharias Van Vorhees, Peter P. Van Kleek and William Radliff shall be and hereby are appointed Inspectors of Flour in the County of Dutchess, and that Peter Mercereau shall be and hereby is appointed Inspector of Flour in the County of Richmond, and that Israel Seaman, Gilbert Bloomer and Joseph Travis shall be and hereby are appointed Inspectors of Flour for the County of West Chester, and that Lawrance Van Gaasbeek, Edward Hallock and John Nicholson shall be and hereby are appointed Inspectors of Flour for the County of Ulster; And that James Peters and Roeloff Van houton shall be and hereby are appointed Inspectors of Flour for the County of Orange; and that such Person or Persons in the Counties of Suffolk and Queens, as shall be appointed by a Majority of the Justices of the Peace in the respective Towns of the said Counties of Suffolk and Queens shall be the Inspectors of Flour in the said Counties.*

**Vacancies in office, how filled.**

*And be it further Enacted by the Authority aforesaid, That in Case either of the Inspectors by this Act appointed or to be appointed shall become incapable or neglect to execute his Office or die, that then and in either of these Cases, it shall and may be lawful to and*

for the Justices of the Peace or the majority of them met in general or special Sessions for the said City and County of Albany, and the aforementioned Counties severally, other or others in the Stead of such Person or Persons so becoming incapable, neglecting Duty or dying to appoint, and the Inspectors so by them appointed shall have the same Powers, be under the same Restrictions, and take the like Oath as the Inspectors by this Act appointed or to be appointed are required to take.

*And be it further Enacted by the same Authority,* That the Inspectors by this Act appointed or to be appointed, shall each of them provide himself with a Brand-Mark in addition to those they are already by this Act required to have to brand the Word *Superfine*, and they and each of them are hereby required and directed to brand the Word *Superfine* on all such Casks as they shall have inspected, and which they shall judge to be superfine Flour and no other: And each of the said Inspectors shall if they find any Cask of Flour marked by the Proprietor or Manufacturer with the Word *Superfine* and which upon Inspection they shall find not to be superfine erase or cut out said Mark.

Brand-Mark for Superfine flour.

Duties of Inspectors as to same.

*And be it further Enacted by the same Authority,* That the Inspector or Inspectors hereby appointed or to be appointed for the said City and County of Albany, and the said other Counties shall before they do any Thing in the Execution of their said Office respectively take an Oath, or if one of the People called Quakers an Affirmation before one of the Judges of the Inferior Court of Common Pleas for the County for which they are respectively appointed Inspectors in the Words following, to wit: "I, A B. do swear, or Affirm, that I will faithfully truly and impartially according to the best of my Judgment Skill and Understanding, execute do and perform the Office and Duty of an Inspector and Examiner of Flour, according to the true Intent and Meaning of an Act entitled, An Act to prevent the Exportation of unmerchable Flour, and the false taring of Bread and Flour Casks, and that I will brand every Cask of Flour by me inspected, with the Name of the County where manufactured, and with such other Marks as by the said Act are directed to be put on the same, so help me God."

Oath of office of Inspector.

*And be it further Enacted by the Authority aforesaid,* That no Inspector of Flour hereby appointed or hereafter to be appointed shall purchase any Flour by them respectively condemned, nor any Flour whatsoever other than for their own particular and private use under the Penalty of fifty Pounds to be recovered by Action of Debt Bill Plaint or Information by any Person or Persons who will sue for the same in any Court of Record in this Colony; the one half thereof to the Use of the Person or Persons so suing; the other half Part thereof to be paid to the Treasurer of this Colony, for and towards the Support of the Government thereof.

Inspectors not to buy condemned flour, nor deal in flour. Penalty for violation hereof.

*And be it further Enacted by the Authority aforesaid,* That if any Inspector of Flour not then actually employed in the Examination of Flour according to the Powers and Authorities given by this Act, shall on Application to him made to examine and inspect any Flour as aforesaid refuse neglect or delay to proceed to such Examination for the Space of three Hours after such Application so made, every Inspector so refusing neglecting or delaying to make such Examination and Inspection, shall for each Offence forfeit and pay the Sum of twenty Shillings to the Use of the Person or Persons so delayed.

Penalty for refusal to make inspection.

Penalty  
for coun-  
terfeiting  
brands.

*And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall counterfeit any of the aforesaid Brand Marks, whether Provincial or Private, he she or they shall forfeit and pay for every Offence the Sum of one hundred Pounds.*

Penalty  
for unlaw-  
ful use of  
branded  
casks.

*And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall empty any Cask of Flour inspected and branded as aforesaid, in order to put in other Flour for Sale or Exportation, or shall put any Flour for Sale or Exportation into any Cask so branded as aforesaid without cutting out the said Brand-Marks, every Person so offending shall forfeit and pay the Sum of one hundred Pounds.*

Inspectors  
author-  
ized to  
sue for  
fines, etc.

*And be it further Enacted by the Authority aforesaid, That the said Inspectors hereby appointed or to be appointed, and every or either of them shall be and hereby are authorized impowered and directed to sue for all Fines and Forfeitures mentioned in this Act except such as are herein otherwise applied, and except their own Forfeitures; which Fines and Forfeitures not exceeding five Pounds shall be recovered in the same Manner as other Debts of five Pounds and under by the Laws of this Colony are recoverable; and such as exceed five Pounds, shall and may be sued for and recovered in any Court of Record in this Colony by Bill Plaint or Information, wherein no Essoin Protection or Wager of Law, or any more than one Imparllance shall be allowed; the one half of all which said Fines and Forfeitures when recovered shall be paid to the Treasurer of this Colony towards the support of the Government thereof, and the other half thereof shall be to the Use of the Inspector or Inspectors that shall sue for and recover the same.*

How re-  
covered.

Fines re-  
covered,  
to whom  
payable.

Act to con-  
tinue in  
force to  
February  
1, 1786.

*And be it further Enacted by the Authority aforesaid, That this Act shall be and continue in force from the passing thereof until the first Day of February one thousand seven hundred and eighty five, and from thence to the End of the then next Session of the General Assembly.*

## Chapter CII.

(CHAP. 50, LAWS OF 1775.)

AN ACT to confirm the Proceedings of the Commissioners heretofore appointed by a Law of this Colony to settle the Line or Lines of Division between the City of New York and the Township of Haerlem, and for establishing the Boundary between the said City and Township.

PASSED the 3d of April 1775.

Preamble,  
reciting  
appoint-  
ment of  
Commis-  
sion to  
settle  
boundary  
between  
Haerlem  
and N. Y.  
city.

WHEREAS in and by a certain Act of the Legislature of this Colony made and passed on the twenty-fourth Day of March in the Year of our Lord one thousand seven hundred and seventy two, and confirmed by his present Majesty in Privy Council on the twenty eighth Day of July following entitled, "An Act to settle and establish the Line or Lines of Division between the City of New York and Township of Haerlem so far as concern the Right of Soil in Controversy," certain Powers and Authorities are given and delegated to William Nicoll Esquire of Suffolk County, Thomas Hicks Esquire Attorney at Law of Queens

County, and George Clinton Esquire of Ulster County, to agree, fix upon, settle and finally ascertain the boundary between the Township of Haerlem and the Lands granted to the Mayor Aldermen and Commonalty of the City of New York within the said City of New York, and when they should have agreed upon such Line or Lines of Division to cause the same to be surveyed run out and marked in the Presence of some of them and a Description thereof within one Month thereafter to be entered on Record in the Secretary's Office for the Province of New York, and that the same should for ever afterwards be and remain the Boundary and Division Line or Lines between the said Township of Haerlem and the Lands of the Mayor Aldermen and Commonalty of the City of New York (except as to such Lands as do lie between high and low Water-Mark in the City of New York to the Eastward and Northward of the said Division or Boundary Line or Lines,) — *And Whereas* the said William Nicoll, Thomas Hicks and George Clinton in Compliance with the said Act and according to the Mode in the said Act directed, having for this Purpose met and fully heard the Parties and considered the Allegations and Proofs relative to the said Controversy so to them submitted between the said City of New York and Township of Haerlem, did unanimously declare settle, ascertain, fix upon, adjudge, award, and determine that the Lines of Division between the Lands of the Mayor Aldermen and Commonalty of the said City of New York and the Township of Haerlem are and should be forever thereafter as follows *to wit*, Beginning at a Bass Wood Stump from whence grow several Cyons, being on a certain Point on the East Side of Hudson's River on the South Side of the Bay lying before a certain Piece of Meadow commonly known by the Name of the round Meadow or Mutje David's Fly, from which Stump the South End of Jacob Vreelandt's House on the West Side of the said River bears North eighty five Degrees West, the South Side of Stephen Bourdett's House North four Degrees and fifteen Minutes West; the South Side of Samuel Prince's House North fifty three Degrees and fifteen Minutes West, and the large Bluff Point on the West Side of the said River North nineteen Degrees East; and from thence running South one Degree and thirty Minutes East one hundred and ten Chains and eighty Links, to a Heap of Stones on the South West Side of a large flat Rock, from whence a large White Wood Tree bears North sixty seven Degrees West distant sixty seven Links, and from thence running North fifty six Degrees West four Chains and seventy Links to a red Cedar Stake with a Heap of Stones about it, thence South thirty five Degrees West fifty one Chains and twenty nine Links to a small Pepperage Tree marked with a Blaze and three Notches on three Sides standing four Chains from the Bloomingdale new cross Road measured on a Course from the Tree South thirty five Degrees West, and from the West Bank of Hudson's River fifty seven Chains and seventy five Links measured on a Course from the said Tree North fifty six Degrees West; and from thence running with a direct Line on a Course South eighteen Degrees East one hundred and twenty Chains to an ancient Heap of Stones on the East Side of a Brook, which Stones are said to have been the Foundation of a Saw Mill mentioned in a Patent from Richard Nicoll Esquire formerly Governor of the Colony of New York to the Township of Haerlem, and from thence along the said Brook as it now runs to the East River, the Distance from the said Heap of Stones to where the said Brook empties into the East River between a Ledge of Rocks being thirteen Chains on a Course of South fifty

Descrip-  
tion of  
lines of  
division.

five Degrees and thirty Minutes East, all which said Courses and Bearings were run and taken as the magnetic Needle then Pointed, and the said Lines of Division being unanimously agreed on by the said Commissioners, were surveyed run out and marked by Francis Marschalk, by the Desire and in the Presence of the said Commissioners, *And whereas* for the Prevention of all Doubts that may arise concerning the Operation and Effect of the said Lines of Division so fixed upon run out and marked as aforesaid and for a full Confirmation of the Proceedings of the said Commissioners as well the said Mayor Aldermen and Commonalty of the City of New York, as the Committee appointed in behalf of the Township of Haerlem have prayed that an Act of the Legislature of this Colony be passed for this Purpose,

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same* That the said Lines of Division so settled ascertained fixed upon and adjudged, and above particularly mentioned and described are and shall forever hereafter be and remain the Boundary and Division Lines between the Lands of the Mayor Aldermen and Commonalty of the City of New York and Township of Haerlem, and that the said Lines of Division so fixed upon run out and marked as the Boundary between the said Lands of the Mayor Aldermen and Commonalty of the City of New York and Township of Haerlem shall be and operate as a total Extinguishment of all the Right Title Interest Claim or Pretences of Claim whatsoever of the Township of Haerlem, and of all and every other Person and Persons whatsoever claiming or to claim under the said Township of Haerlem of in and to all and singular and every the Lands Common of Pasture, Tenements, Hereditaments Appurtenances and Advantages whatsoever which shall lie to the Southward and Westward of such Division Lines; and shall also at the same Time operate as a total Extinguishment of all the Right Title Interest Claim or Pretences of Claim whatsoever of the Mayor Aldermen and Commonalty of the City of New York and of all and every Person or Persons claiming under the said Mayor Aldermen and Commonalty of the City of New York of in and to all the Lands Tenements Hereditaments and Appurtenances whatsoever which shall lie to the Eastward and Northward of the said Division or Boundary Lines (the Lands lying and being between Low and high Water-Mark within the City of New York to the Eastward and Northward of the said Division or Boundary Line or Lines only excepted.)

*Provided always and be it further Enacted,* That the Settlement and Establishment of the said Boundary Line or Lines or any Matter or Thing touching the same shall not operate or be construed to lessen diminish or affect the Bounds Limits and Extent of the said City of New York in point of Jurisdiction, or to alter abrogate or defeat any of the Powers, Pre-eminences Privileges or Immunities over or in respect of the said Township of Haerlem which are vested in or have ever lawfully been or may be claimed and exercised by the said Mayor Aldermen and Commonalty of the City of New York in virtue of the respective Royal Charters to them given and granted.

*Provided also,* That Nothing in this Act shall be construed to extend to or affect the Right Title Interest Claim or Demand of any Person or Persons holding Lands under any other Grant from the Crown, or who have been in quiet and peaceable Possession for sixty Years or upwards, but that the same shall be and remain in the same State and situation as they were before the passing of this Act, any thing in the said Act contained to the contrary in any wise notwithstanding.

Lines of division, above recited, adopted as boundary.

Certain claims extinguished.

Lands between high and low water-mark.

Proviso as to effect of establishment of boundary.

Private claims not affected.



And be it also Enacted by the Authority aforesaid, That the Committee on the Part of the Township of Haerlem or the major Part of them shall have full Power and Authority to sell and convey in fee Simple so much of the said Common Lands given to the said Township by the said Award as shall be necessary to defray their Part of the Expence attending the final Settlement of the said Controversy, any Law Usage or Custom to the contrary notwithstanding.

Common  
lands of  
Haerlem,  
sale of.

## Chapter CIII.

(CHAP. 81, LAWS OF 1775.)

AN ACT for admitting in Evidence an ancient Record of the Office of the Town Clerk for the City and County of New York of an Indenture of Release from Jacobus Kip and Henrica his Wife to Samuel Ver Planck and others and the several Indorsements thereon for certain Lands therein mentioned.

PASSED the 3rd of April 1775.

WHEREAS in the infant Settlement of the Country it was usual to record in the Town Clerks Office of the City and County of New York Title Deeds for Lands and Tenements lying in other Counties, and altho' the Original Deeds were duly proved or acknowledged yet according to the Rules of Law, such Records thereof or the Exemplification or sworn Office Copy of the Record cannot be admitted in Evidence in Judicial Proceedings,

Preamble,  
reciting  
ancient  
record  
usages.

And Whereas in and by a certain Indenture made the Twenty sixth Day of March in the seventh Year of the Reign of our Sovereign Lord and Lady William and Mary of England, Scotland, France and Ireland King and Queen Defender of the Faith &c. and in the Year of our Lord One Thousand six Hundred and Ninety five between Jacobus Kip of the City of New York Merchant and Henrica his wife of the one part and Samuel Ver Planck, Jacobus Ver Planck, Abraham Ver Planck and Guiliana Ver Planck Children of Gulian Ver Planck late of the said City Merchant deceased and former Husband of the said Henrica of the other part, reciting, That Whereas Thomas Dongan late Governor of the Province of New York by his certain Deed or Patent signed with his Hand and Sealed with the public Seal of the said Province bearing Date the Seventeenth Day of October in the Year of our Lord One Thousand six Hundred and Eighty five for the Considerations therein mentioned did grant ratify and confirm unto Francis Rombolts, Stevanis Van Cortland and the aforesaid Jacobus Kip All that Tract or Parcel of Land Scituate lying and being on the East side of Hudsons River at the North side of the high Lands Beginning from the South side of a Creek called the Fish Kill and by the Indians Mattoavoan and from thence Northward along the said Hudsons River five Hundred Rods beyond the great Wappings Kill called by the Indians Mawenawasigh being the Northerly Bounds and from thence into the Woods four Hours going or sixteen English Miles always keeping five Hundred Rodd distant from the North side of the said great Wappings Creek however it runs, as also from the said Fish Kill or Creek called Maneawan along the said Fish

Ancient,  
deed, of  
lands in  
Dutchess  
county,  
embraced  
in Patent  
to Jacobus  
Kip and  
others.

Creek into the Woods at the Foot of the said high Hills including all the Reed or low Lands and the South side of the said Creek with an Easterly Line four Hours going or sixteen English Miles into the Woods and from thence Northerly to the End of the four Hours going or the sixteen English Miles or a Line drawn at the North side of the five Hundred Rodd beyond the great Wappings Creek or Kill called Wawenawasigh And also all manner of Rivers Rivulets Runs, Streams with Liberty to make any Mill or Mills thereon, and all Feedings, Pastures, Woods, Underwoods, Trees, Waters, Water Courses, Ponds, Pools, Pits, Swamps, Moors, Marshes, Meadows, Easements, Profits and Commodities, Fishing, Fowling, Hunting, Hawking, Mines, Minerals, Quarries (Royal Mines excepted) Royalties, Franchises and Appurtenances whatsoever to the said Tract or Parcel of Land belonging or in any wise appertaining To have and to hold the said Tract of Land and all and singular the Premises with their and every of their Appurtenances unto the said Francis Rombolts, Jacobus Kip and Stephanus Van Cortlandt their Heirs and Assigns for ever To the only proper Use and Behoof of them the said Francis Rombolts, Jacobus Kip and Stephanus Van Cortlandt their Heirs and Assigns for ever under the Yearly Rent of six Bushels of good Merchantable Winter Wheat to be paid every Year for ever on the Twenty-fifth Day of March at the City of New York unto such Officer or Officers as should be appointed from Time to Time to receive the same as by the said Grant or Patent registered in the Secretary's Office of the said Province of New York relation being thereunto had might more fully and at large appear. That Indenture Witnessed, That he the said Jacobus Kipp and Henrica his Wife as well for and in Consideration of the natural Love and Affection which they had and bore unto the said Samuel Ver Planck, Jacobus Ver Planck, Abraham Ver Planck, Hannah Ver Planck and Guiliana Ver Planck as for the consideration mentioned and expressed in the above recited Grant as also for divers other good Causes and Considerations them at that Time especially moving had given granted aliened enfeofed bargained sold and confirmed and by the said Indenture of Release did clearly and absolutely give grant aliene enfeof bargain sell and confirm unto the said Samuel, Jacobus, Abraham, Hannah, and Guiliana Ver Planck and to their Heirs and Assigns for ever All that their equal share or one third Part of all the said Tract or Parcel of Land and Meadow with the Appurtenances and every Part and Parcel thereof and all other the Premises whatsoever in and by the said recited Grant or Patent granted ratified and confirmed unto the said Francis Rombolts, Jacobus Kip and Stephanus Van Cortlandt or to their Use as aforesaid And also the Reversion and Reversions, the Remainder and Remainders of all and singular the equal Share or one third Part of all and singular the said Premises and every Part thereof And also all the Estate, Right, Title, Interest, Possession, Property, Claim and Demand whatsoever of them the said Jacobus Kip and Henrica in or to the same equal Share or Third Part of all and singular the granted Premises and all Deeds, Writings, Evidences, Charters, Patents, Exscripts and Muniments whatsoever touching or concerning the Premises or any Part or Parcel of them To have and to hold the said equal Share or one third Part of all the said Tract or Parcel of Land and Meadow within the Limits and Bounds aforesaid and all and singular other the Premises thereby given granted bargained and sold with their and every of their Rights, Members, Hereditaments and Appurtenances unto the said Samuel, Jacobus,

Abraham, Hannah and Guiliana Ver Planck their Heirs and Assigns, To the only proper Use, Benefit and Behoof of them the said Samuel, Jacobus, Abraham, Hannah and Guiliana Ver Planck their Heirs and Assigns for ever.

*And Whereas* by a Deed Poll endorsed on the said Indenture bearing Date the Eleventh Day of November in the Year of our Lord one Thousand six Hundred and Ninety seven the said Stephanus Van Cortlandt one of the Grantees in the said Letters Patent named, for himself his Heirs Executors Administrators and Assigns and every of them did consent to allow, approve and confirm the said Indenture and every Part thereof notwithstanding any Right, Title, Interest, Inheritance, Benefit, Claim or Demand which he the said Stephanus Van Cortlandt his Heirs Executors Administrators or Assigns or any of them then had or thereafter could should or might have or claim to the third Part of the said Tract or Parcel of Land and Premises by Virtue of Survivorship and that from thenceforth it should and might be lawful to and for the said Samuel Ver Planck, Jacobus Ver Planck Abraham Ver Planck, Hannah Ver Planck and Guiliana Ver Planck their Executors Administrators and Assigns to have hold occupy receive take and enjoy the full and entire third Part of all the Rents, Issues and Profits of all and singular the said recited Tract or Parcel of Land and Premises with the Appurtenances in as large and ample Manner and Form to all Intents Constructions and Purposes as if the same had been or then were divided and not in partnership Purchased; any Survivorship Custom, Grant, Restraint, Provision, Statute or Ordinance to the contrary notwithstanding.

Interest of Stephanus Van Cortlandt in Patent, how conveyed.

*And Whereas* by another Indorsement on the back of the said first recited Indenture it appears that Jarvis Marshall and Samuel Taylor the two subscribing Witnesses to the said Indenture were on the Twenty eighth Day of March in the Year of our Lord one Thousand six hundred and Ninety five duly sworn before the aforesaid Stephanus Van Cortlandt Esquire then one of the Justices for the Supreme Court of Judicature for this Colony and did declare that they saw the before named Grantors sign seal and execute the said Indentures as their Act and Deed, and by another Indorsement on the same Indenture it further appears that the said Stephanus Van Cortlandt acknowledged the before mentioned Deed Poll on the Day of the Date thereof to be his voluntary Act and Deed before Frederick Flypse Esquire then one of his Majesty's Council for this Colony. And the said Indenture of Release and the said Deed Poll and other Indorsements on the said Indenture of Release were on the Eleventh Day of November in the Year of our Lord one Thousand six Hundred and Ninety seven entered upon the Records of the Town Clerk's Office of the City and County of New York where the same now remain

Conveyance, how executed, and recorded.

*And Whereas* many of his Majesty's Subjects are interested in the said Lands under that Title and have made great and valuable Improvements thereon. *And Whereas* the said Original Indenture of Release is become greatly shattered and impaired and a part thereof detached and lost, nevertheless from the Circumstances aforesaid the same Original Deed and Indorsements were lately admitted in Evidence upon a Trial at Law before the Justices of the Supreme Court of Judicature of this Colony tho being imperfect it cannot be entered of Record in the proper Offices so that if the said original Deed should happen to be lost, or to be further impaired by Time or Accident the Title of the Owners and Possessors of the said Lands may be defeated. For Remedy whereof

Record in  
N. Y. city,  
or exem-  
plification  
thereof,  
how ad-  
mitted in  
evidence  
in courts  
of record.

*Be it enacted by his Honor the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the same,* That the Record or the Exemplification or sworn Office Copy of the Record of the said Indenture of Release and of the Deed Poll and other Indorsements thereon so remaining in the said Town Clerk's Office of the City and County of New York shall for ever hereafter be admitted in Evidence in the Supreme Court of Judicature or any other of his Majesty's Courts of Record within this Colony in the same manner as the Record of the Secretary's Office or the Record of the County of Dutchess where the Lands thereby granted are situate or the Exemplification or sworn Office Copy of such Records respectively would have been admitted in Evidence had such Indenture Deed Poll and other Indorsements been recorded in either of them respectively any Law, Usage, or Custom to the contrary thereof in any wise notwithstanding.

## Chapter CIV.

(CHAP. 52, LAWS OF 1775.)

AN ACT to appoint Commissioners to purchase the Wood standing upon the Point of Bahanna's Island opposite Hellgate.

PASSED the 3d of April 1775.

Preamble.

WHEREAS, the Wood growing upon the Point of Bahanna's Island in the East River fronting Hellgate, by obstructing the Navigation in that Part of the said River, renders it extremely dangerous; the Removal therefore of the said Wood is deemed a Matter of public Utility,

Commis-  
sioners  
appointed  
to con-  
tract for  
purchase  
and re-  
moval of  
wood, etc.

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That from and after the passing of this Act it shall and may be lawful for John Cruger, Jacob Walton, James Jauncey and James De Lancey Esquires or the major Part of them, or of the Survivors of them, and they are hereby fully authorized and empowered to contract and agree with the Proprietor or Proprietors of the Land whereon the said Wood stands, for the Purchase of the said Wood, and for the cutting down and removing of the same; And also to contract and agree with such Proprietor or Proprietors that the Wood Brushes or Trees which may thereafter grow on the said Land shall from Time to Time be cut down; And for the Purposes aforesaid they the said Commissioners, or the major Part of them or of the Survivors of them are hereby authorized and required to enter into such Articles Covenants and Agreements as they shall think proper with the said Proprietor or Proprietors, and which are hereby declared to be good and valid in the Law according to the true Intent and Meaning thereof.

Payment  
for wood  
author-  
ized from  
Treasury.

*And be it further Enacted by the same Authority,* That it shall and may be lawful for the said Commissioners or the major Part of them or of the Survivors of them to receive from the Treasurer of this Colony, who is hereby directed and required to pay to them or their Order, all such Sums of Money not exceeding four hundred and fifty Pounds, as they shall become bound for and agree to pay to the said Proprietor or Proprietors for the Purchase and Purposes aforesaid.

*And be it further Enacted by the Authority aforesaid,* That the said Commissioners shall be indemnified out of the Treasury of this Colony for all Damages Losses and Expences which they may sustain or incur by Reason of such Articles Contracts and Agreements made and entered into by virtue of this Act as aforesaid. Commissioners,  
how in-  
demnified.

## Chapter CV.

(CHAP. 58, LAWS OF 1775.)

AN ACT for the General Quiet of his Majesty's Subjects in this Colony against all Pretences of Concealment whatsoever.

Passed the 3rd of April 1775.

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, And it is hereby Enacted by the Authority of the same,* That the Kings Majesty his Heirs or Successors shall not at any Time hereafter sue, impeach, question or implead any Person or Persons, Bodies Politic or Corporate for or in any wise concerning any Manors, Lands, Tenements, Rents or Hereditaments whatsoever (other than Liberties or Franchises) or for in any wise concerning the Revenues, Issues or Profits thereof, or make any Title, Claim, Challenge or Demand of in or to the same, or any of them by Reason of any Right or Title which hath not first accrued and grown or which shall not hereafter first accrue and grow within the Space of Sixty Years next before the filing issuing or commencing of every such Action, Bill, Complaint, Information, Commission or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued or commenced for recovering the same, or in respect thereof, unless his Majesty or some of his Progenitors, Predecessor or Ancestors, Heirs or Successors or some other Person or Persons, Bodies Politic or Corporate under whom his Majesty his Heirs and Successors any Thing hath or lawfully claimeth, or shall have or lawfully Claim, have or shall have been answered by Force and Virtue of any such Right or Title to the same, the Rents, Revenues, Issues or Profits thereof, or the Rents, Issues or Profits of any Honor, Manor, or other Hereditaments whereof the Premises in Question shall be Part or Parcel within the said space of Sixty Years, or that the same have or shall have been duly in charge to his Majesty, or some of his Progenitors, Predecessors or Ancestors, Heirs or Successors or have or shall have stood in *super* of Record within the said space of sixty Years: And that all and every Person or Persons, Bodies Politic and Corporate, their Heirs and Successors, and all claiming by from or under them, or any of them, for and according to their and every of their several Estates and Interests which they have or claim to have, or shall or may have or claim to have in the same respectively shall at all Times hereafter quietly and freely have hold and enjoy against his Majesty his Heirs and Successors claiming by any Title which hath not first accrued or grown, or which shall not hereafter first accrue or grow within the Space of Sixty Years all and singular Manors, Lands, Tenements, Rents, and Hereditaments whatsoever (except Liberties and Franchises) which he or they or his or their, or Crown,  
when per-  
mitted to  
bring suit,  
concern-  
ing lands,  
Manors,  
etc.

Quiet en-  
joyment,  
how se-  
cured to  
subjects.

any of their Ancestors or Predecessors or those from by or under whom they do or shall claim have or shall have held or enjoyed or taken the Rents, Revenues, Issues or Profits thereof by the Space of Sixty Years next before the filing issuing or commencing of every such Action, Bill, Complaint, Information, Commission or other Suit or Proceeding as shall at any time or Times hereafter be filed issued or commenced for recovering the same, or in respect thereof, unless his Majesty or some of his Progenitors, Predecessors or Ancestors, Heirs or Successors, or some other Person or Persons, Bodies Politic or Corporate by from or under whom his Majesty his Heirs or Successors any Thing hath or lawfully claimeth, or shall have or lawfully claim in the said Manor, Lands, Tenements, Rents or Hereditaments by force of any Right or Title, have been or shall have been answered by Virtue of any such Right or Title, the Rents, Revenues Issues or other Profits thereof within the said Space of Sixty Years; or that the same have or shall have been duly in charge, or stood in *super* of Record as aforesaid within the said Space of Sixty Years: And furthermore that all and every Person or Persons, Bodies Politic and Corporate their Heirs and Successors and all claiming or to claim by from or under them or any of them, for and according to their and every of their several Estates and Interests which they have or claim, or shall or may have or claim respectively, shall for ever hereafter quietly and freely have hold and enjoy all such Manors, Lands, Tenements, Rents and Hereditaments (except Liberties and Franchises) as they now have claim or enjoy or hereafter shall or may have claim or enjoy, whereof his Majesty his Progenitors, Predecessors, or Ancestors; or whereof his Majesty his Heirs or Successors or he or they by from or under whom his Majesty his Heirs or Successors, any Thing hath or lawfully claimeth or shall have or lawfully claim or some of them by Force of some Right or Title to the same have not or shall not have been answered by Virtue of such Right or Title, the Rents, Revenues, Issues or Profits thereof within the space of Sixty Years next before the filing issuing or commencing of every such Action, Bill, Complaint, Information, Commission or Other Suit or Proceeding as shall at any Time or Times hereafter be filed issued or commenced for recovering the same; or in respect thereof, nor the same have been nor shall have been duly in charge or stood in *super* of Record as aforesaid within the said Space of Sixty Years against all and every Person and Persons their Heirs and Assigns having claiming or pretending to have or who shall or may have claim or pretend to have any Estate, Right, Title, Interest, Claim or Demand whatsoever, of in or to the same by force or colour of any Letters Patents or Grants upon Suggestion of Concealment or wrongful detaining, or not being in charge or defective Titles or by from or under any Patentees or Grantees or any Letters Patents or Grants upon Suggestion of concealment or wrongful detaining or not being in charge or defective Titles of or for which said Manors, Lands, Tenements, Rents and Hereditaments or any of them no Verdict, Judgment, Decree, Judicial Order upon Hearing or Sentence of any Court now standing in force hath been had or given or any such Verdict, Judgment, Decree, Judicial Order upon Hearing or Sentence of Court shall hereafter be had or given in any Action, Bill, Complaint or Information in any of his Majesty's Courts of Record within this County, for or in the Name of the King's Majesty or in any of his Majesty's Progenitors, Predecessors, Heirs or Successors or for any of the said Patentees or Grantees or for their or any of their Heirs

or Assigns within the Space of Sixty Years next before the filing issuing or commencing of every such Action, Bill, Complaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed issued or commenced for recovering the same, or in respect thereof as aforesaid.

*Provided always And be it Enacted,* That where the Rents, Revenues, Issues or Profits of any Manors, Lands, Tenements or Hereditaments are or shall be in charge by, to, or with any Auditor or Auditors or other proper Officer or Officers of the Revenue such Rents, Revenues, Issues and Profits shall be held deemed and taken to be duly in charge within the Meaning and Intent of this Act, any Usage or Custom to the contrary notwithstanding.

Rents and profits of Manors, etc., when deemed "in charge."

*Provided always,* That this Act or any Thing therein contained, shall not extend to bar, impeach or hinder his Majesty his Heirs or Successors, of, for, or from any Manors, Tenements, Rents or Hereditaments whereof any Reversion or Remainder now is in his Majesty for or concerning the Reversion or Remainder, nor of, for or from any Reversion or Remainder or possibility of Reversion or Remainder in any of his Majestys Progenitors or Predecessors or Ancestors which by the Expiration, End or other Determination of any limited Estate of Fee Simple or of any Fee Tail or other particular Estate hath or ought to have first fallen or become in Possession, or which shall or may or ought hereafter first to fall or come in Possession within the Space of Sixty Years next before the filing, issuing or commencing of any such Action, Bill, Complaint, Information, Commission or other Suit or Proceeding as shall at any Time or Times hereafter be filed issued or commenced for recovering the same, or in respect thereof, nor of, for or from any Right or Title first accrued or grown to his Majesty or any of his Progenitors, Predecessors or Ancestors, or which shall first accrue or grow to his Majesty or any of his Heirs or Successors, of in or to any Manors, Lands, Tenements, Rents or Hereditaments at any Time or Times within the Space of Sixty Years next before the filing issuing or commencing of any such Action Bill, Complaint, Information, Commission or other Suit or Proceeding as shall at any Time or Times hereafter be filed issued or commenced for recovering the same, or in respect thereof, and not before.

This Act not to extend to certain reversions or remainders.

*Provided also, And be it Enacted by the Authority aforesaid,* That this Act or any Thing therein contained shall not extend to any Manors, Lands, Tenements, Rents, or Hereditaments mentioned to be granted or conveyed by any of his Majesty's Progenitors, Predecessors or Ancestors, or by any other under whom his Majesty claimeth to any Person or Persons of any limited Estate in Fee Simple or of any Estate in Tail or other particular Estate, which several Estates (if the same had been good and effectual in Law) have or ought to have first fallen or become in Possession or will or ought first to fall or come in Possession within the Space of Sixty Years next before the filing, issuing or commencing of any such Action, Bill, Complaint, Information, Commission or other Suit or Proceeding as shall at any time or Times hereafter be filed issued or commenced for recovering the same, or in respect thereof as aforesaid nor to any Manors, Lands, Tenements, Rents or Hereditaments mentioned to be granted or conveyed by any of his Majesty's Progenitors, Predecessors or Ancestors, or by any other under whom his Majesty claimeth to any Person or Persons in Fee Tail or other particular Estate whereof the Reversion or Inheritance (if such Estate Tail or other Particular Estate had been good and effectual in Law) should have been and continued in his Majesty,

Act, not to extend to Grants from the Crown or limited estates.

or any of his Progenitors, Predecessors or Ancestors, or should or ought hereafter to be and continue in his Majesty his Heirs or Successors at any Time within the Space of Sixty years next before the filing issuing or commencing of any such Action, Bill, Complaint, Information, Commission or other Suit or Proceeding as shall at any Time or Times hereafter be filed issued or commenced for recovering the same or in respect thereof as aforesaid.

Manors, to be holden of Crown, upon usual Tenures and services.

*Provided also, And be it further Enacted by the Authority aforesaid,* That all and singular the said Manors, Lands, Tenements and Hereditaments shall at all Times hereafter be holden of his Majesty his Heirs and Successors and of other Person and Persons, Bodies Politic and Corporate, their Heirs and Successors respectively by the same Tenures, Services, Fee Farms, Chief Rents, Heriots, and other Duties to all Intents and Purposes, as the same should or ought of Right to have been holden if the Estates, Rights and Interests established and made sure by this present Act had been, before the making of this Act, firm good and effectual in Law.

Reservations and Restrictions.

Saving to every Person and Persons, Bodies Politic and Corporate their Heirs and Successors (other than his most Excellent Majesty his Heirs and Successors, and other than all Patentees or Grantees of Concealments or defective Titles and all and every Person or Persons claiming from by or under them or any of them for or in respect or by Reason of any such Patents or Grants of Concealments or defective Titles) all such Rights, Title, Interest, Estate, Rents, Commons, Customs, Duties, Profits and other Claims and Demands whatsoever in, to, or out of the said Manors, Lands, Tenements or Hereditaments as they or any of them had or ought to have had before the making of this Act any Thing in this Act to the contrary notwithstanding.

"Fee farm" or certain other rents, how secured to Crown.

*Provided also, And be it Enacted by the Authority aforesaid,* That where any Fee Farm Rent, or other Rent or Rents have been or shall be answered and actually paid to the Kings Majesty or to any his Predecessors, Heirs or Successors within the Space of Sixty Years next before any Action, Bill, Complaint, Information, Commission or other Suit or Proceeding shall at any Time or Times hereafter be filed issued or commenced for recovering the same of in respect thereof, out of any Manors, Lands, Tenements or Hereditaments of which Manors, Lands, Tenements or Hereditaments the Estates Rights or Interests being defective, are established and made sure by this present Act, that the Kings Majesty his Heirs and Successor shall from henceforth for ever have hold and enjoy the said Rents and Arrearage thereof in such Manner and Form, And as fully and amply as the same are or were enjoyed at any Time within the said Space of Sixty Years.

Certain rights under Grants made prior to Jan. 1, 1769, not affected by this act.

*Provided always, And be it Enacted by the Authority aforesaid,* That nothing in this Act contained shall extend or be prejudicial to the Right, Title or Claim of any Person or Persons in or to any Manors, Lands, Tenements or Hereditaments by virtue of or under any Grant or Grants, Letters Patent or Letters Patents, from any of his Majesty's Progenitors, Ancestors or Predecessors or by virtue of or under any Grant or Grants, Letters Patent, or Letters Patents, from his Majesty made or passed before the first Day of January one Thousand seven Hundred and Sixty-nine so as such Right, Title or Claim be prosecuted with Effect, by Bill, Complaint, Information or other Suit or Proceeding in some of his Majesty's Courts of Record within this Colony, within the Space of one Year from the Confirmation of this Act.



*Provided always, And be it further Enacted by the Authority aforesaid,* That nothing in this Act contained shall extend to any lands appropriated by Letters Patent or laid out for Highways, but the same shall be and remain for that Purpose any Thing in this Act contained to the contrary notwithstanding. Act not to affect lands taken for highways.

*Provided always, And be it further Enacted, by the Authority aforesaid,* That all his Majesty's Subjects in this Colony, holding or possessing Lands by virtue of this Act for the Term of Sixty Years or upwards shall be subject and liable to the usual Quit Rent. "Quit Rents," provision as to.

*Provided always And be it Enacted by the Authority aforesaid,* That no putting in Charge nor standing *in super*, nor taking or Answering the Farm Rents, Revenues of Profits of any of the said Manors, Lands, Tenements or Hereditaments by Force, Colour or Pretext of any Letters Patent or Grants of Concealments or defective Titles, or of Manors, Lands, Tenements or Hereditaments out of Charge, or by Force, Colour or Pretext of any inquisitions, Presentments by or by Reason of any Commission or other Authority to find out Concealments, defective Titles, or Lands, Tenements or Hereditaments out of Charge shall be deemed construed or taken to be putting in Charge, standing *in super*, or taken or answering the Farm Rents, Revenues or Profits by or to his Majesty, or any of his Progenitors or Predecessors, Heirs or Successors, unless thereupon such Manors, Lands Tenements or Hereditaments have been or shall be, upon some Information or Suit on the Behalf of his Majesty or some of his Progenitors or Predecessors, Heirs or Successors upon a lawful Verdict given or to be given or demurrer in law adjudged, or upon a hearing Ordered or Decreed for his Majesty or some of his Progenitors or Predecessors, Heirs or Successors or of some of them within the Space of Sixty years next before the filing, issuing or commencing of every such Action, Bill, Plaint, Information, Commission or other Suit or Proceeding as shall at any Time or Times hereafter be filed issued or commenced for recovering the same or in respect thereof as aforesaid. General restrictions, reservations and exceptions.

*Provided also,* That this Act shall not be in force, until the same shall have received the Royal Approbation. Act, when to take effect.

## Chapter CVI.

(CHAP. 84, LAWS OF 1775.)

AN ACT to revive and amend the two Acts therein mentioned respecting Pot and Pearl Ashes.

PASSED the 3d of April 1775.

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That the Act entitled, "An Act to prevent Frauds by the adulteration of Pot-Ash and Pearl-Ash," passed in the seventh year of his present Majesty's Reign; and the Act entitled, "An Act the better to ascertain the Quality of Pot and Pearl Ashes," passed in the twelfth Year of his present Majesty's Reign shall be and are hereby revived and every Clause Matter and Thing therein contained enacted to be and remain in full Force from the passing hereof until the first Day of

Acts of 7th and 12th George III revived.

To remain in force to Feb. 1, 1788.

February which will be in the Year of our Lord one thousand seven hundred and eighty three, and from thence to the End of the then next Session of the General Assembly.

Inspector of Pot and Pearl Ashes for Port of New York.

*And be it further Enacted by the Authority aforesaid, That Joseph Allicocke shall be and hereby is appointed the Officer for viewing and examining all Pot Ashes and Pearl Ashes, that are intended to be shipped for Exportation directly from the Port of New York, in the Room of Abraham De La Montagnie deceased, and shall take the same Oath, have the same Powers, and be liable to the same Penalties as the Officer appointed in and by the last abovementioned Act, any Thing herein or in the beforementioned Acts contained to the contrary thereof in any wise notwithstanding.*

Vacancies in office of Inspector, how supplied in N. Y. city.

*Provided always, And be it Enacted by the Authority aforesaid that if a vacancy shall happen in the Office of Inspector for the City and County of New York the same shall and may be supplied in the manner directed by the Act last abovementioned on a Vacancy in the said Office by the Death or misbehavior of Abraham De la Montagnie And that every such Vacancy in the Office of Inspector for the City and County of Albany may be supplied by an Appointment to be made by the Mayor Recorder Aldermen and Commonalty of the City of Albany or the Major part of them and that the Inspector for the said City and County of Albany for the time being shall Brand each Cask so by*

Casks, how branded in Albany.

him Inspected with the Words <sup>Albany,</sup> <sub>New York</sub> beneath his own Name

Oath of office.

and before he proceeds to execute his said Office shall take an Oath well and faithfully to perform the Duties required as well by this Act as by the Acts hereby Revived.

Ashes inspected in Albany, may be directly shipped.

*And be it further Enacted by the same Authority, That the Proprietor or Proprietors of any Pot Ashes and Pearl Ashes inspected in the City and County of Albany as by the said Acts is directed, shall and may ship the same from any Port in this Colony without being obliged to have the same re-inspected at such Port.*

Proviso, as to shipments from ports other than Albany.

*Provided always, That before such Pot Ashes and Pearl Ashes so intended to be shipped from any other Port in this Colony, other than from the City and County of Albany, the Proprietors\* or Proprietors of the same his or their Agent or Factor shall produce to the Inspector of Pot Ashes and Pearl Ashes for the time being in the City of New York an Invoice of such Pot Ashes or Pearl Ashes specifying the Numbers and Marks of the Casks containing the same signed by the Inspector together with an Affidavit written on the Back thereof and sworn to by the Proprietor or Proprietors that the Pot Ashes or Pearl Ashes mentioned in such Invoice are bona fide his or their own Property and intended to be shipped on his or their own Account to some Port out of this Colony and that he or they will not directly or indirectly sell the same within this Colony nor order any Person to sell the same without first giving notice thereof to the Inspector of Pot Ashes and Pearl Ashes of the Port of New York for the time being any Thing in the said Act or any Clause hereof to the Contrary notwithstanding.*

Inspectors may enter vessels, and search for Ashes shipped without inspection brand.

*And be it further Enacted by the Authority aforesaid That the said Inspectors and each of them shall have full Power and Authority by Virtue of this Act and without any further or other Warrant to enter on Board any Vessel whatsoever in the Harbours of the Cities of New York and Albany to search for and make Discovery of any Pot Ashes or Pearl Ashes Shipped or Shipping on Board any such Vessel for*

\*So in the original.

exportation immediately from thence out of this Colony and if the said Inspectors or any or either of them shall on such search Discover any Cask or Casks of Pot Ashes or Pearl Ashes not Branded as before directed the Person or Persons so Shipping the same shall forfeit all and every such Cask and Casks of Pot Ashes and Pearl Ashes so Shipped or Shipping and not Branded in the manner before directed And the Master or Commander of such Vessel who shall knowingly receive any such Cask or Casks of Pot Ashes or Pearl Ashes not branded as aforesaid shall forfeit and pay for each Cask so received on board his Vessel the sum of forty Shillings and if any person shall obstruct or hinder the said Inspectors or any or either of them in making such search as aforesaid every Person so offending shall forfeit and pay the sum of Fifty Pounds.

Owner to  
forfeit  
ashes un-  
lawfully  
shipped.

Penalty  
from  
master of  
vessel.

Penalty  
for ob-  
structing  
search.

## Chapter CVII.

(CHAP. 55, LAWS OF 1775.)

### AN ACT for the more equal Taxation of Estates in the County of Orange.

PASSED the 3d of April 1775.

FORASMUCH as the Method heretofore practised for the taxation of Estates in the County of Orange, hath not been as equal and just as it is conceived it might be, Preamble.

Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That before the first Tuesday in April next, it shall and may be lawful for Daniel Everitt, Richard Edsall, Nathaniel Roe Junior and Gilbert Bradner Esquires or the major Part of them, and they are hereby directed and required to divide the Precinct of Goshen into ten Districts; and that Captain Elihu Mervin, Nathaniel Strong, Jeremiah Clark and Austin Smith or the major Part of them shall divide the Precinct of Cornwall into six Districts, and that Teunis Cooper, David Pye, and Ann Hawkes Hay Esquires or the major Part of them shall divide the Precinct of Haverstraw into three Districts and the Precinct of Orange Town shall be considered as one District.

Persons  
design-  
ated to  
divide  
Precincts  
into Dis-  
tricts.

Goshen  
Precinct.  
Cornwall  
Precinct.

Haver-  
straw and  
Orange  
Town.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Freeholders and Inhabitants of each of the respective Towns and Precincts within the said County, to choose and elect, at their next annual Meeting, a Person being a Freeholder inhabiting within every such District within the said County and Precincts, for an Assessor of such District, which Assessors so chosen in each of the Districts as aforesaid, and before they enter on the Duties of their Office shall take an Oath before any one of his Majesty's Justices of the Peace for the said County in the Words following to wit, "I, A B, do solemnly swear that I will well and truly, equally and impartially according to the best of my Skill Knowledge and Judgment, assess every Part, of the real Estate, (Woodland only excepted,) and also every Part of the personal Estate of every Person within the District for which I am chosen assessor and all such as have Estates therein according to the Directions of an Act entitled An Act for the more equal Taxation of

Election of  
Assessor  
in each  
District.

Oath of  
Assessors.

Duty of Assessors.

**Estates in the County of Orange, so help me God."** And that the said Assessors so chosen and qualified shall respectively make an Assessment of their Districts; and that the said Assessors of the several Districts of each Precinct shall thereupon meet together, and make out a true and exact List in one Book of all the Names of the Freeholders and Inhabitants of the several Districts within their Precincts respectively, and against the Names of every such Person shall set down the Value of all his or her Estate real and Personal as near as they can discover the same to be within the same Precinct, setting down for every hundred Pounds real Value in such Assessment as aforesaid five Pounds and in that Proportion for a greater or lesser Sum, which List or Lists the said Assessors shall deliver to the Supervisors of the said County on or before the last Tuesday in September in every Year.

Delivery of assessment Lists to Supervisors.

Manner of assessing real and personal estate.

Improved lands.

Horses, cattle, etc.

Male Slaves.

Female Slaves.

Furnaces, Mills, etc.

Store-keepers.

Blacksmiths.

Account of improved lands, horses, cattle, etc. to be given to Assessor.

Penalty for concealment.

And for the more equal and just Assessment and Collection of the Taxes, or Rates to be imposed upon the said several Precincts in the said County of Orange, *Be it further Enacted by the Authority aforesaid,* That every Assessor shall assess the real and personal Estate of every Person within his District according to the following Plan, and in no other Manner or way whatsoever, to wit, Improved Lands at the Rate of one Pound ten Shillings per Acre; Horses above the Age of three Years, and under the Age of sixteen Years at six Pounds, above the Age of two and under the Age of three Years at three Pounds, above the Age of one and under the Age of two Years at one Pound ten Shillings; Oxen and Steers of four Years old and upwards at three Pounds ten Shillings; Cows and other neat Cattle of three Years old and upwards (except Oxen and Steers of four Years old and upwards) two Pounds; Young Cattle, above the Age of two and under the Age of three Years at one Pound five Shillings; Young Cattle above the age of one, and under the Age of two Years at twelve Shillings; Sheep and Hogs upwards of six Months old at five Shillings; Male Slaves above the Age of fifteen and under the Age of forty Years at thirty Pounds; of the Age of forty and upwards, and under the Age of fifty Years at fifteen Pounds; of the Age of ten and upwards, and under the Age of fifteen Years at eighteen Pounds; and above the Age of seven and under the Age of ten Years at ten Pounds; Female Slaves of the Age of fifteen and upwards and under the Age of forty Years at Twenty Pounds, of the Age of forty and upwards and under the Age of fifty Years at ten Pounds, of the Age of ten and upwards and under the Age of fifteen Years at twelve Pounds, and above the Age of seven and under the Age of ten Years at eight Pounds, Furnaces and Forges at the Discretion of the Assessors not exceeding three hundred Pounds, Grist-Mills, Fulling-Mills and Saw-Mills not exceeding three hundred Pounds, nor less than thirty Pounds, every Store-keeper not exceeding two hundred Pounds nor less than twenty Pounds, every Blacksmith that follows his Trade at the Discretion of the Assessors.

*And be it further Enacted* that every Person subject to such Tax or charges shall at all Times when required by the Assessor of the District wherein he resides, give him a View of all the improved Lands in his Occupation, and a just Account of all the Horses Cattle and Chattels which are his property, and ought to be subject to such Tax or Charge, and if any Person shall secrete or conceal from the Assessor any Part of his improved Land, Horses Cattle or Chattels which ought to have been subject to such Tax or Charge, he shall forfeit and pay for every such Concealment, the Sum of three Pounds to be recovered

by the Assessor of the District where the said Delinquent lives, with full Costs of Suit, before any Justice of the Peace by the Oath of one or more credible Witnesses, two thirds of which Forfeiture shall go to the Use of the Poor of the Precinct, and the other third to the Use of the Informer and in Case the said Assessor shall not prosecute for the said Fine of three Pounds when so as aforesaid forfeited, and the same shall come to his knowledge, then and in that Case the said Assessor shall forfeit the Sum of three Pounds to be recovered by the Supervisor of the said Precinct where such Assessor shall live, with full Costs of Suit, before any Justice of the Peace, and be applied to the Use of the Poor of the said Precinct, which said Supervisor is hereby directed to sue for the same.

*And be it further Enacted by the same Authority,* That the said Supervisors shall at their annual Meeting on the first Tuesday in October make the Quota of each respective Person or Persons according to the Total Sum of the List or Lists returned as aforesaid is directed by this Act and not otherwise, and that the Clerk of the Supervisors shall transcribe the List or Lists, and add to each Person's Rate the Sum or Proportion such Person is to pay of what the Supervisors find the said County chargeable with, and when the said List or Lists are compleated the Supervisors or the major Part of them are hereby required to issue their Warrant commanding the Collector or Collectors of each Town or Precinct to collect and pay the same as by the Warrant shall be directed.

*And be it further Enacted by the Authority aforesaid,* That if any Assessor or Assessors, Collector or Collectors, chosen and elected at the annual Town Meetings for choosing of Officers shall refuse to take the Office upon him or them, or if having accepted the same shall neglect his or their Duty therein, every Person so refusing or neglecting shall respectively forfeit the Sum of five Pounds to be recovered by the Supervisors of the said County or any one of them with full Costs of Suit before any one of his Majesty's Justices of the Peace for said County to be by them applied towards defraying the contingent Charges of said County: And if any Assessor shall refuse or neglect to serve as aforesaid then and in that Case the Justices of the Peace of the Precinct, (or the major Part of them) wherein the said Assessor lives, are hereby authorized impowered and required under their Hands and Seals to nominate and appoint Assessor or Assessors in the Room Stead and Place of such Assessor or Assessors so refusing or neglecting to serve, who shall be the Assessor or Assessors to all Intents and Purposes, have the like Powers and be subject to the same Rules, Pains and Penalties as any Assessor chosen and elected as is before directed by this Act, any Law Usage or Custom to the contrary in any wise notwithstanding.

*And be it further Enacted by the Authority aforesaid,* That every Assessor, as a Reward for his Trouble shall be freed and excused from working on the Highways within his District, and the Overseer of the Highways of his District is hereby directed to excuse him accordingly, and in delivering up his Account to the Commissioners of his Work done on the Highways shall make such exception in his Oath.

*And be it further Enacted by the Authority aforesaid,* That the Act entitled "An Act for the more equal Taxation of Estates in Orange County," passed the twenty seventh Day of January, one thousand seven hundred and seventy shall be and hereby is suspended during the Continuance of this Act.

How recovered and applied.

Penalty for neglect of duty by Assessor.

How recovered and applied.

Supervisors to make quotas according to Lists, annually.

Warrant for collection.

Penalty for refusal to serve, or neglect of duty, by Assessors and Collectors.

Vacancies in office of Assessor, how filled.

Assessors exempted from high-way labor.

Act of Jan. 27, 1770, suspended

*This act to remain in force to Feb. 1. 1778.* *And be it Enacted by the same Authority, That this Act shall be in force from the passing thereof, till the first Day of February, which will be in the Year of our Lord one thousand seven hundred and seventy six, and from thence to the End of the then next Session of the General Assembly.*

## Chapter CVIII.

(CHAP. 56, LAWS OF 1775.)

**AN ACT to regulate Waggon's within the Township of Schenectady, and the Precincts of Orange Town and Haverstraw in the County of Orange.**

PASSED the 3rd of April 1775.

*Width of Track of Wheel Carriages, in Schenectady.*

*Penalty for non-compliance here-with.*

*How recovered and applied.*

*Name of Proprietor to be marked on Carriage.*

*Penalty for non-compliance here-with.*

*This act to apply to Orange Town and Haverstraw.*

*Proviso, as application of act.*

*Act not to apply to pleasure carriages.*

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly and it is hereby enacted by the Authority of the same* that from and after the fifteenth Day of August next, no Person whatever dwelling and residing in the Township of Schenectady shall make Use of any Wheel Carriage upon any Highway or Public Road in the said Township the Wheels whereof shall make a Track of less than four Feet eight Inches to be computed from the inside of the Fellows of one Wheel to the inside of the Fellows of the Opposite Wheel, on Penalty of five Pounds for every Offence, to be recovered from the Owner or Proprietor of such Carriage in a Summary Way with Costs of Suit before any Justice of the Peace in the said Township, one-half of which Penalty to go to the Informer, and the other half to the Poor of the said Township.

*And be it further enacted by the same Authority, That the Proprietor of every Carriage in the said Township to be used on the Highways or Public Roads thereof shall mark or cause the same to be marked with the initial Letter of his Christian Name and his Surname at length; and every Carriage used on the Highways and public Roads in said Township, and belonging to Persons residing therein that shall not be marked as aforesaid shall forfeit and pay the Sum of twenty Shillings for every Months Neglect from and after the fifteenth Day of August aforesaid to be recovered and applied in like Manner as the Penalty inflicted in the preceding Clause of this Act is directed to be recovered and applied.*

*And be it further Enacted by the Authority aforesaid, That every Clause and Article of this Act shall extend to the Precincts of Orange Town and Haverstraw in the County of Orange, Provided always that the Inhabitants of the said Precincts shall not be obliged to alter any Wheel Carriage now in Use; but that all Carriages hereafter to be made in the said Precincts, or that shall be repaired with new Axle-Trees, shall be made agreeable to the first Clause of this Act any Thing herein to the contrary notwithstanding. But nothing in this Act shall be construed to relate to any Coach Chariot Chair or other Carriage used for Pleasure and not for Burdens.*

## Chapter CIX.

(CHAP. 57, LAWS OF 1775.)

**AN ACT** to raise the further Sum of five hundred Pounds for draining the drowned Lands in the Precinct of Goshen in Orange County.

PASSED the 3rd of April 1775.

WHEREAS the Sum directed to be raised by an Act entitled "An Act to raise fifteen hundred Pounds for draining the drowned Lands in the Precinct of Goshen in Orange County," passed the sixth Day of February one thousand seven hundred and seventy three, has been almost expended and found insufficient for the good Purposes intended by the said Act,

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That the further Sum of five hundred Pounds shall be assessed and raised in the same Manner as the said fifteen hundred Pounds was in and by the said Act directed to be assessed and raised. And the Trustees in the said Act named, and the Survivor or Survivors of them are hereby authorized to apply the said five hundred Pounds towards draining the said drowned Lands at such Times, and by such Ways and Means as they or any three of them shall think proper.

Additional sum of £500 to be raised.

How applied by Trustees.

*And Whereas* sundry large Tracts of Swamps and Bog Meadows are situated at a great Distance from the main Creek or Kill running through the said drowned Lands; and it is conceived that for the more effectual draining of the said Swamps and Bog Meadows it will be necessary to have some Brooks cleared out, and several large Ditches cut to lead the Waters into the said Main Creek or Kill.

*Be it therefore Enacted by the Authority aforesaid,* That when any Proprietor of the drowned Lands shall think necessary that any Ditch or Ditches should be cut in the said Swamps or Bog Meadows, or any Brook cleared out, and the Persons interested cannot agree respecting the same, it shall be lawful for Samuel Gale, Jesse Woodhull and Nathaniel Roe Junior Esquires, or any two of them to determine whether it is necessary to have such Ditch made, or such Brook cleared out; and if it shall be determined to be necessary, they shall direct in what Manner the same shall be done and who shall pay the Expence thereof and in Case either of the Parties shall neglect to comply with such Determination the Person or Persons desirous of having such Ditch or Ditches made, or Brook cleared, may proceed to do the same, and may prosecute each Party interested for his Proportion of the Expence thereof in any of his Majesty's Courts within this Colony and shall recover the same with Interest and Costs of Suit.

Commission appointed to determine necessity of cutting certain ditches, etc.

To direct also, manner of construction, and how payable.

May prosecute for payment of expence.

## Chapter CX.

(CHAP. 58, LAWS OF 1775.)

**AN ACT** for raising the further Sum of two hundred Pounds for effectually lowering a Pond commonly called Wickham's Pond in the Precinct of Goshen in the County of Orange.

PASSED the 3d day of April 1775.

**Preamble.** WHEREAS the Monies raised by Virtue of an Act passed the sixth Day of February one thousand seven hundred and seventy three entitled, "An Act for raising one hundred and fifty Pounds for lowering a Pond commonly called Wickham's Pond in the Precinct of Goshen in the County of Orange," have been expended and found insufficient for the good Purposes intended by the said Act.

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly and it is hereby enacted by the Authority of the same* That such further Sum and Sums of Money not exceeding two hundred Pounds shall be raised as William Wickham John Bard, and Henry Wisner the Third, or any two of them may think proper, which Money shall be raised in like Manner as the one hundred and fifty Pounds mentioned in the said Act was directed to be raised, and shall be laid out in lowering the said Pond and clearing the creek that runs out of the same by such Ways and Means as they or any two of them shall think proper.

Additional sum of £200 to be raised.

How applied.

## Chapter CXI.

(CHAP. 59, LAWS OF 1775.)

**AN ACT** for making two Bridges in the Precincts of Goshen and Cornwall in the County of Orange.

PASSED the 3d of April 1775.

**Preamble.** Whereas the making of good Bridges not only tends to the Ease and Benefit of the Inhabitants but also is of great Utility to Strangers travelling through the Country,

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly and it is hereby enacted by the Authority of the same,* That the Commissioners of the Precinct of Cornwall for the Time being shall and they are hereby directed and required to make and erect a sufficient Bridge across Murderer's Creek, where the Highway or Post Road crosses the same, to the Eastward of where Smith's Creek empties into Murderer's Creek aforesaid and that the Commissioners of the Precinct of Goshen for the Time being shall and they are hereby directed and required well and sufficiently to make and erect a Bridge across the Wallkill where the Highway that runs from Gilbert Bradnor's to John Allison's crosses the said Kill.

Erection of Bridge across Murderer's Creek, in Cornwall.

Bridge across the Wallkill, in Goshen.



*And be it Enacted by the Authority aforesaid* That the Commis- Accounts  
sioners for the Time being for each of the said Precincts of Cornwall for ex-  
and Goshen are hereby directed to have the Accounts of the Expences pend-  
for erecting and building the same transmitted to the Supervisors of tures, to  
the said County of Orange, who are hereby directed and required to be levied  
order the levying collecting and paying the same, in the same Manner by super-  
as the Expences of all other public Bridges in the said two Precincts visors.  
are raised collected and paid.

## Chapter CXII.

(CHAP. 60, LAWS OF 1775.)

**AN ACT** to alter the Place of Election for Representa-  
tives, and the Place of Meeting of the Supervisors,  
Judges and Loan Officers on the South Side of the Moun-  
tains in the County of Orange.

PASSED the 3d of April 1775.

*Whereas* the Place appointed by two several Acts of the Legislature Preamble.  
of this Colony for holding the Election for Representatives, and for the  
Meeting of the Supervisors Judges and Loan Officers on the South  
Side of the Mountains in the County of Orange, is at the Court House  
which stood at Orange Town in the said County, which Court House  
having since been consumed by Fire, a new Court House and Goal is  
directed by Law to be erected at a place commonly called the City  
near the House of Daniel Jerro in the Precinct of Haverstraw in the  
said County, and the said Court House so to be erected, being set on  
foot and begun is thought to be the most convenient and proper  
Place for holding the Election for Representatives, and also for the  
Meeting of the Supervisors, Judges and Loan Officers in the Southern  
Part of the said County.

*Be it therefore Enacted by his Honor the Lieutenant Governor the* Place for  
*Council and the General Assembly, and it is hereby Enacted by the Authority* holding  
*of the same,* That the next and all future Elections for Representa- elections,  
tives, to be held on the South Side of the Mountains, for the County South Side  
of Orange, shall and are hereby directed to be holden at the Court of moun-  
House or some other convenient Place in the City so called, in Haver- tains, in  
straw Precinct. Orange  
county.

*And be it further Enacted by the Authority aforesaid,* That the Meet- Super-  
ing of the Supervisors, Judges and Loan Officers on the South Side visors,  
of the Mountains in the said County shall be holden at the Court Judges,  
House or some other convenient Place in the said City, in the said etc., meet-  
Precinct of Haverstraw, any Law or Laws of this Colony to the con- ings of, at  
House.  
trary in any wise notwithstanding.

## Chapter CXIII.

(CHAP. 61, LAWS OF 1775.)

## AN ACT to prevent Damages by Swine in the County of Ulster, and other Purposes therein mentioned.

PASSED the 3rd of April 1775.

Swine, regulations as to running at large of, etc., how adopted by Town Meetings.

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly and it is hereby enacted by the Authority of the same* That from and after the passing of this Act, it shall and may be lawful for the Corporations of the several incorporated Towns in the County of Ulster and the Freeholders of the several other Towns and Precincts in the said County at their respective annual Meetings for electing Supervisors and other Town and Precinct Officers by major Voice to make all such prudential bye Laws, Rules, and Orders as well for restricting Swine from running at large and for Yoking them and ringing their Noses, as recovering of Damages which may be done by them, and such other necessary Regulations respecting Swine as by the said Corporations and a Majority of the Freeholders of the other Towns and Precincts respectively at their annual Meetings aforesaid from Time to Time shall be thought meet and expedient.

Sheep, regulations as to folding, and to prevent injury to, by Dogs.

Regulations, how entered in records of town and county. Penalties, how recovered.

Limitation.

Certain Marble Town act repealed.

Act to be in force to Feb. 1, 1780.

*And Whereas* it often happens that great Damage is occasioned by Dogs and the increase of Sheep obstructed for Want of proper Regulations, *Be it therefore Enacted by the same Authority*, that the Corporations of the several Incorporated Towns and the Freeholders of the several other Towns and Precincts of the same County at their said respective annual Meetings, may also in like Manner make such prudential bye Laws Rules and Orders from Time to Time as they may think proper for penning folding regulating and separating of their Sheep, and for preventing any Annoyance of them by Dogs or other noxious Animals; all which said bye Laws, Rules, Orders and Regulations so to be made by virtue of this Act, shall be entered by the Town or Precinct Clerk in his Book, and certified Copies transmitted by him to the Clerk of the County to be filed in his Office; & shall from thenceforth be binding; and the Fines and Penalties thereby imposed recoverable with Cost of Suit before any one of his Majesty's Justices of the Peace in the said County by the Party agrieved *Provided always* that no penalty for any Offence against such prudential bye Laws Rules and Regulations shall exceed the sum of five Pounds.

*And be it Enacted by the same Authority*, that the Act entitled "An Act to prevent Damages by Swine in the Township of Marble Town in the County of Ulster" is hereby repealed.

*And be it Enacted by the same Authority*, that this Act shall be in force from the passing thereof until the first Day of February which will be in the Year of our Lord one thousand seven hundred and eighty, and from thence to the End of the then next Session of the General Assembly.

## Chapter CXIV.

(CHAP. 62, LAWS OF 1775.)

AN ACT to guard against destructive Fires and to provide for a Night Watch in the Town of Kingston in Ulster County.

PASSED the 3d of April 1775.

WHEREAS the said Town is at a considerable Expence, provided with Engines for the extinguishment of Fires and it is expedient for preserving them in good order and for the due use of them that certain Persons be specially appointed for that Purpose, Preamble.

*Be it therefore Enacted by his Honor the Lieutenant Governor, the Council and the General Assembly and it is hereby enacted by the Authority of the same,* That it shall and may be lawful to and for the Trustees of the Freeholders and Commonalty of the Town of Kingston to elect nominate and appoint a sufficient Number of Men not exceeding Twenty residing within one half Mile distant from the Dutch Church of the said Town willing to undertake the Care and Management, working and Use of the Fire Engine or Engines belonging to the said Town and the other Tools and Instruments for extinguishing Fires therein who are hereby required and strictly enjoined in Case of Fire happening and need be to work, use and manage the same And the said Trustees are hereby impowered from Time to Time to remove and displace all or any of such Firemen and others in their Lieu and Stead to appoint who shall be subject to the like Duties, And the said Trustees shall have full Power and Authority to make and establish such Bye-Laws, Rules, Orders, Ordinances and Regulations for the Government, Conduct, Duty and Behaviour of the said Firemen in the Performance of their Duty as to the said Trustees shall seem meet and expedient. Firemen, to be appointed by Trustees, to have care of Fire Engine, etc.  
Trustees may remove and appoint firemen.  
May establish Bye Laws regulating firemen.

*And be it further Enacted by the same Authority,* That such Persons as shall be appointed Fire Men as aforesaid during the time they shall continue so to be shall and are hereby declared to be freed and exempted from serving in the Office of Constable or Overseers of the Highways and from serving in the Militia except in Cases of Invasion. Firemen, exempted from militia service, etc.

*And be it also Enacted by the same Authority,* That the said Trustees of the Freeholders and Commonalty of the town of Kingston shall have Authority as often as they shall see Cause to make, Rules, Orders and Ordinances for the Appointment and Support of a Night Watch in such part of the said Town and to enforce the same by such Fines and Penalties not exceeding Five Pounds for any one Offence as they shall judge necessary; Which Fines and Penalties shall be recovered in the manner to be expressed in such Rules, Orders and Ordinances and be applied by the said Trustees for the Support of the Night Watchmen to be appointed and established in manner aforesaid. Night Watch, rules for appointment and support of.  
May enforce same by fines, etc.

*And be it further Enacted by the same Authority,* That the said Trustees shall have full power and Authority Annually during the Continuance of this Act to raise and levy any Sum not exceeding Fifteen Pounds of and from the Inhabitants residing in the said Town and within the Limits aforesaid as nearly as may be in the same Proportion that their Parts of the Contingent Charges of the County are by them respectively paid. And for that Purpose the said Trustees are hereby May raise £15 for support of Night Watch.

How  
levied and  
collected.

Collection  
fees.

Act to be  
in force to  
Feb. 1, 1780.

Authorized and impowered to issue their Warrant under their Common Seal to the Collector or Collectors of the said Town, who is and are hereby directed and required to Collect such Sum and pay the same to the said Trustees or their Treasurer, (deducting therefrom six pence in every Pound for the trouble of collecting the same) to be by the said Trustees applied in defraying the Expence attending the Appointment of a Night Watch in and for the said Town.

*And be it further Enacted by the same Authority, That this Act shall be in Force from the passing thereof until the first Day of February which will be in the Year of our Lord One Thousand seven Hundred and Eighty, and from thence to the End of the then next Session of the General Assembly.*

## Chapter CXV.

(CHAP. 68, LAWS OF 1775.)

**AN ACT to oblige the Collectors of the Counties of Dutchess and Ulster more effectually to collect and pay the annual Rates of the said Counties and for other Purposes therein mentioned.**

PASSED the 3rd of April 1775.

Preamble.

**WHEREAS** the Monies annually raised in the Counties of Dutchess and Ulster for the support of the Poor have hitherto been paid by the Collectors of the several Towns Manors and Precincts to the County Treasurers of the said Counties respectively, by reason whereof the Overseers of the Poor living in Parts of the Counties remote from the Residence of the Treasurers are exposed to great Inconveniences, Trouble and Expence in getting their Proportions of such Monies out of the Treasuries, for remedy whereof for the future,

Collectors  
to pay  
money  
collected  
for sup-  
port of  
poor, to  
overseers.

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly and it is hereby enacted by the Authority of the same,* That it shall and may be lawful to and for the Collectors for the Time being of the several Towns Manors and Precincts for the said Counties of Dutchess and Ulster respectively and they are hereby directed and required to pay all such Sums of Money as shall be by them annually collected for the Support or Maintenance of the Poor in their respective Towns Manors or Precincts to the Overseers of the Poor thereof respectively, whose Receipt for the same, or the Receipt of a major Part of them shall be a good and sufficient Discharge to the Collector therefor, any Law Usage or Custom to the contrary notwithstanding.

Overseers,  
when  
author-  
ized to sue  
Collectors  
for delay,  
etc.

*And be it further Enacted by the same Authority, That if the said Collectors of any of the said Towns Manors or Precincts of the said Counties shall delay neglect or refuse to pay the Money so as aforesaid by them hereafter to be collected for the Use Maintenance or Support of the Poor, to the Overseers of the Poor of their respective Towns, Manors or Precincts as aforesaid for the Space of ten Days after the same has or ought to have been by them collected, then in such Case it shall and may be lawful to and for the Overseers of the Poor of such Town Manor or Precinct where such Delay Neglect or Refusal may be made, to commence and prosecute their Action of Debt by*

and in the Name of the Overseers of the Poor of such Town Manor or Precinct in any of his Majesty's Courts of Record within this Colony for the Recovery of the same, wherein no Essoin, Protection, Wager of Law, or more than one Imparlance shall be allowed, and on a Recovery shall be intitled to treble Costs, which Suits so to be prosecuted by virtue of this Act shall not abate or be discontinued by the Death or Removal of any or either of the said Overseers, but shall and may be prosecuted to Effect by their Successor in Office, any Law Usage or Custom to the contrary in any wise notwithstanding.

Action,  
how prosecuted.

*And Whereas*, it frequently happens that the Collectors of the said Counties make Delay in collecting the Monies for defraying the contingent Charges thereof, by which Means the Persons to whom such Monies are payable are disappointed, and exposed to Expence and Trouble in getting the same, for remedy whereof,

*Be it Enacted by the Authority aforesaid*, That if either of the said Collectors for the Time being for the said Counties shall neglect delay or refuse to pay unto the Treasurer of such County, the several Sum or Sums of Money payable into the said Treasury which he shall be impowered and required to collect within his Town District or Precinct pursuant to the Warrants which from Time to Time shall be issued by the Supervisors of the said Counties respectively for that purpose, for the Space of three Months after the said Warrant shall have been issued, such Collector so neglecting delaying or refusing shall forfeit and pay for every ten Days of such Delay, the Sum of five Pounds to be recovered by the said County Treasurer before any one of his Majesty's Justices of the Peace for the said County with Costs of Suit, three Pounds thereof to the Use of the County, to be appropriated and applied by the Supervisors thereof in such manner as they shall think best, and the other forty Shillings to the Treasurer as a Reward for his Trouble in prosecuting for the same.

Penalty  
for delay  
by Collect-  
ors, in  
paying  
over con-  
tingent  
charges.

How re-  
covered by  
Treasurer.

And to the End that the Rate of the said Counties may effectually come in annually, *Be it further Enacted by the Authority aforesaid*, That if the Treasurer of either of the said Counties for the Time being shall at any Time or Times fail in prosecuting to Effect any such Collector or Collectors for the Offences as aforesaid by the Space of three Months after the Time herein before limited, such Treasurer shall forfeit and pay the Sum of five Pounds Current Money of this Colony for every Twenty Days he shall delay or neglect, to be recovered by the Person or Persons who shall be delayed wronged or injured by such Means before any one of his Majesty's Justices of the Peace for such County with Costs of Suit, besides being liable to an Action of Trespass grounded on the Case to such Person or Persons who shall be delayed wronged or injured, one-half of which Forfeiture to be for the Use and Benefit of such County, and the other half to the Person who shall sue for and recover the same; this Act to continue in force from the passing thereof during the Term of two Years, and thence to the End of the then next Session of the General Assembly.

Penalty,  
for neglect  
by Treas-  
urer to  
prosecute  
Collectors.

How re-  
covered  
and ap-  
plied.

This act,  
how long  
to con-  
tinue in  
force.

## Chapter CXVI.

(CHAP. 64, LAWS OF 1775.)

AN ACT to revive an Act entitled "An Act to prevent Accidents by Fire in that Part of the Manor of Rensselaerwyck therein mentioned."

PASSED the 3rd of April 1775.

Act of 10th  
George III  
revived, to  
Feb. 1, 1786.

*Be it Enacted by his Honor the Lieutenant Governor, the Council and the General Assembly, and it is hereby enacted by the Authority of the same;* that the Act entitled "An Act to prevent Accidents by Fire in that Part of the Manor of Rensselaerwyck therein mentioned," passed in the tenth Year of the Reign of his present Majesty, shall be and hereby is revived from the passing hereof, until the first Day of February which will be in the Year of our Lord one thousand seven hundred and eighty five.

## Chapter CXVII.

(CHAP. 65, LAWS OF 1775.)

AN ACT to enable the Freeholders and Inhabitants of the District of the Manor of Rensselaerwyck to elect additional District Officers.

PASSED the 3d of April 1775.

Preamble.

WHEREAS in and by an Act entitled "An Act to divide the Counties of Albany and Tryon into Districts," passed the twenty fourth Day of March one thousand seven hundred and seventy two, by the fourth Clause or Section thereof it is enacted, That the Freeholders and Inhabitants of the District of the Manor of Rensselaerwyck shall and may and they are thereby required yearly and every year on the first Tuesday in May to elect and appoint two Freeholders to be Supervisors, four Freeholders to be Assessors, and two Freeholders to be Collectors, six Constables and six Fence Viewers; and it being found necessary for the convenience of the Inhabitants of said District to have two additional Assessors, Collectors, Overseers of the Poor, Constables and Fence Viewers,

Election of  
additional  
officers  
author-  
ized.

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly and it is hereby enacted by the Authority of the same,* That it shall and may be lawful to and for the Freeholders and Inhabitants of the said District of the Manor of Rensselaerwyck, and they are hereby impowered to elect and choose two additional Assessors, Collectors, Overseers of the Poor, Constables and Fence Viewers, yearly at the Times already fixed for electing the District Officers by virtue of the said in part recited Act, who shall have the same Power, Authority, Office, and Function, and do, perform, execute and serve, and be liable to the same Pains and Penalties as the like Officers by the above in part recited Act have, ought or are entitled to have, do, perform, and be liable to, any Law Usage or Custom to the contrary in any wise notwithstanding.

## Chapter CXVIII.

(CHAP. 66, LAWS OF 1775.)

AN ACT to raise the Sum of one hundred and twenty Pounds on the Freeholders and Inhabitants of the City and County of Albany for the Purposes therein mentioned.

PASSED the 3d of April 1775.

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That the Supervisors of the City and County of Albany shall and are hereby required at their first Meeting next after the passing of this Act, to raise and cause to be levied and collected of and from the Freeholders and Inhabitants of the City and County of Albany the Sum of one hundred and twenty Pounds together with the usual Allowance to the Collector for collecting the same, to be raised levied and collected in like Manner as the other County Charges, and when collected to be paid by the Collectors into the Hands of the County Treasurer to be by him paid to the Order of the Mayor Recorder Aldermen and Commonalty of the said City of Albany to be by them applied in purchasing a Bell and repairing the Court House erected in the said City.

Supervisors, to raise £120 by tax, for Bell and repairs for Court House.

## Chapter CXIX.

(CHAP. 67, LAWS OF 1775.)

AN ACT to oblige the Collectors of the different Districts in the County of Albany to deliver in their Accounts upon Oath to the County Treasurer.

PASSED the 3rd of April 1775.

*Be it Enacted by his Honor the Lieutenant Governor the Council & the General Assembly and it is hereby enacted by the Authority of the same,* That every Collector hereafter to be elected in the City and County of Albany, and who shall receive a Warrant from the Supervisors hereafter to be appointed to levy and collect any County Rates whatever, shall together with the Money so by him collected deliver to the Treasurer of the said City and County an Account upon Oath of all the Monies by him collected by virtue of such Warrant, together with another Account on Oath of every Deficiency (if any there be,) specifying the Persons Names who have not paid their Quota, and assigning the reasons therefore, to the Intent that such Accounts may from Time to Time be laid before the Supervisors of the said City and County for their Approbation or Disallowance as to them shall appear proper; And every Collector refusing or neglecting to give such Accounts on Oath shall for every ten Days neglect after the Day on which he was to pay the Money so by him collected forfeit the Sum of forty Shillings to be recovered with Costs of Suit, by the said Treasurer in a Summary way before any Justice of the Peace, and such Forfeiture to go to the Overseers of the Poor of the District where

Collectors to account upon oath to Treasurer, for money collected.

To deliver account of uncollected quotas.

Penalty, for non-compliance herewith.

How recovered and applied.

such Collector resides: and the Treasurer of the said City and County for the time being shall and may administer an Oath to every such Collector that the Accounts by him delivered are to the best of his Knowledge just and true.

## Chapter CXX.

(CHAP. 68, LAWS OF 1775.)

**AN ACT** to revive an Act entitled “An Act for the more effectual Punishment of Persons who shall be guilty of any of the Trespasses therein mentioned in the Cities of New York and Albany, and Township of Schenectady.”

PASSED the 3d of April 1775.

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the same,*

*That the Act entitled, “An Act for the more effectual Punishment of Persons who shall be guilty of any of the Trespasses therein mentioned in the Cities of New York and Albany and Township of Schenectady,” passed the sixteenth Day of February one thousand seven hundred and seventy one, shall be and hereby is revived and every Clause Article Matter and Thing therein contained enacted to be and remain in full force from the passing hereof until the first Day of February one thousand seven hundred and eighty, and from thence to the End of the then next Session of the General Assembly.*

*Act of Feb. 1, 1771. revived.*

*To remain in force to Feb. 1, 1780.*

## Chapter CXXI.

(CHAP. 69, LAWS OF 1775.)

**AN ACT** to regulate Elections for Representatives in General Assembly for the City and County of Albany.

PASSED the 3d of April 1775.

**Preamble.** WHEREAS the Inhabitants of the Town of Schenectady and Manors of Rensselaerwyck and Livingston in the County of Albany having Freehold Estates within the same do respectively enjoy by Virtue of royal Grants, the Privilege of electing a Representative in General Assembly, *And Whereas* Claims have been set up by the said Inhabitants of the Town of Schenectady and Manors of Rensselaerwyck and Livingston in Right of their Freeholds within the Town and Manors aforesaid not only of electing a Representative for such Town and Manors exclusively, but also of voting for the Representatives of the City and County of Albany in common with the Freeholders thereof, *And Whereas* such Claims have a Tendency to procure to such Freeholders a double Representation in General Assembly for the same Estates, and thereby to diminish the Rights of the Freeholders of the said



County of Albany contrary to the royal Intention in granting such Privilege as aforesaid, *And Whereas* a due Regulation of the Election of Representatives in General Assembly, is of the utmost Importance to the constitutional Rights of the People of this Colony; Wherefore to prevent those Doubts and Disputes which might be occasioned by the said Claims of the Freeholders of the Town and Manors aforesaid, and forever hereafter to extinguish those Claims, as well as to secure a just equal and constitutional Representation of the said County of Albany; the General Assembly pray that it may be declared and enacted, *And be it declared and enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and by the Authority of the same*, That from and after the passing of this Act, it shall not be lawful for any Person or Persons having a Freehold or Freeholds either within the said Town of Schenectady or Manors of Rensselaerwyck and Livingston respectively, in Right of such Freeholds only, to vote at the Election of Representatives in General Assembly for the City and County of Albany; but from voting at such Elections for the said City and County, in Right of such Estates in the said Town and Manors respectively, such Person or Persons shall be utterly disabled, and all and every Vote and Votes given contrary to the true Intent and Meaning of this Act shall be utterly void and of none Effect, any Usage Custom Claim or Pretence to the contrary notwithstanding.

Freeholders of Schenectady, Rensselaerwyck and Livingston, right to vote at elections for Representatives for Albany, restricted.

## Chapter CXXII.

(CHAP. 70, LAWS OF 1775.)

AN ACT to revive an Act entitled "An Act to prevent the Defaults of Grand and Petit Jurors Constables and other Persons."

PASSED the 3d of April 1775.

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same*, That the Act entitled. "An Act to prevent the Defaults of Grand and Petit Jurors Constables and other Persons." passed in the eighth Year of his present Majesty's Reign, shall be and hereby is revived, and every Clause Matter and Thing therein contained enacted to be in full force until the first Day of February which will be in the Year of our Lord one thousand seven hundred and eighty five, and from thence to the End of the then next Session of the General Assembly.

Act of sth. George III revived.

To continue in force to Feb. 1, 1785.

## Chapter CXXIII.

(CHAP. 71, LAWS OF 1775.)

## AN ACT for the more convenient proving of Deeds and Mortgages.

PASSED the 3d of April 1775.

Acknowledgments, etc., before Mayors of Albany and New York city, or Masters in Chancery, etc., deemed valid.

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That all Records and Registries of Deeds, Mortgages and other Writings whatsoever, whether executed within this Colony, or in other Parts of the British Dominions that have been, or hereafter shall be made upon Acknowledgments taken, or Proofs made before the Master of the Rolls, either of the Masters in Chancery, or the Mayors of the Cities of New York or Albany respectively, shall be as good and effectual to all Intents and Purposes, as if the same had been made, recorded or registred upon Acknowledgments taken or Proofs made before any of his Majesty's Council for the Province of New York, or before any of the Judges of the Supreme Court, any Law, Usage or Custom to the contrary thereof in any wise notwithstanding.

## Chapter CXXIV.

(CHAP. 72, LAWS OF 1775.)

## AN ACT to prevent Frauds by Bills of Sale which shall be made and executed in the Counties therein mentioned.

PASSED the 3rd of April, 1775.

**Preamble.** WHEREAS divers Frauds have been committed by Persons conveying their Goods Chattels and Effects by Bill of Sale by way of Mortgage or Collateral Security and afterwards selling the same to other Persons who were Ignorant of such former Sales whereby many Persons have been defrauded of very considerable Sums of money for the preventing whereof for the Future,

Certain Bills of Sale, given by way of Mortgage, when to be registered in certain Counties.

*Be it Enacted by his Honor the Lieutenant Governor, the Council and the General Assembly And it is hereby Enacted by the Authority of the same,* That immediately from and after the passing of this Act, each and every of the Clerks of the several and respective Towns and Precincts within the counties of Queens, Orange and Dutches and the Clerk of the City and County of Albany, and the County Clerks of Richmond and Kings shall provide a fit and proper Book for Registering of all Bills of Sale of Goods, Chattels and Effects, which are given by way of Mortgage or Collateral Security, not exceeding the Sum of one Hundred Pounds, which shall be made and executed for any Goods, or Chattels within their respective Towns and Precincts after the passing of this Act, in which Register shall be entered the particular Goods, Chattels and Effects conveyed, the Names of the Persons, by and to whom sold the Dates of the respective Bills of Sale the Consid-

eration money and the Time when Registered and recorded, and for the Registering whereof the said Clerk shall have and receive the Sum of one Shilling and six Pence for each Bill of Sale so registered and no more to which Register all Persons whatsoever at proper Seasons, shall have recourse and search, he paying to the said Clerk the Sum of six Pence and no more.

Registration fee.

Fee for searches.

*Provided always*, That before any such Bill of Sale shall be so entered in any such Register, the same shall be proved on Oath by the Grantor or Grantors that executed the same before one of the Judges or Justices of the said County, that it was for a *bona fide* Debt of the Value specified in the said Bill or Bills of Sale and not given with an Intent to defraud, for which the Judge or Justice shall have and receive the Sum of one Shilling and six Pence for each Bill of Sale so proved and no more, and that the Clerk of every Town or Precinct shall be sworn before any one of the Judges of the Inferior Court of Common Pleas, for the County well and faithfully to execute the Duty required of him by this Act, and to enter no Bill or Bills of Sale, unless the same has been proved as aforesaid and the Proof endorsed on the back of such Bill or Bills of Sale.

Bills of Sale, how proved, before registry.

Fees for such proof.

Clerks of Towns or Precincts, how sworn.

*And be it further Enacted by the Authority aforesaid*, That if any Person or Persons whatsoever shall after the passing of this Act give any Bill of Sale in Writing by way of Mortgage or Collateral Security for any Goods, Chattels or effects whatsoever, for any Consideration not exceeding the Sum of One Hundred Pounds within the said Counties, to two or more Persons, at different Times, and any doubt or dispute shall arise about the priority of such Bill of Sale, That then and in such Case, the Bill of Sale first entered on the Register in manner before directed shall be deemed and taken, and is hereby declared, and shall be adjudged to be the first and prior Bill of Sale any Law, Usage or Custom to the contrary thereof notwithstanding.

Registered bills of sale, to have priority.

*And be it further Enacted by the Authority aforesaid*, That if any Person or Persons whatsoever shall after the passing of this Act, give any Bill of Sale, or if any Person or Persons have heretofore given any Bill of Sale in Writing by way of Mortgage or Collateral Security, for any Goods, Chattels or Effects whatsoever for any Consideration not exceeding the Sum of One Hundred Pounds within the said Counties, and the same being entered on the Register in manner before directed by this Act, and the Consideration money mentioned in the said Bill of Sale is become due, the Person or Persons to whom the said Bill of Sale was given, and if there be more than one Bill of Sale, the prior Bill of Sale to take Place first, shall and may with the Sheriff or Undersheriff of the County, or with the Constable or other Officer of the Town, Precinct or District where the Mortgagor lives, or the Effects can be found (who are hereby required to be aiding and assisting therein) to seize and take into his or their Custody, the said Goods, and when so taken the said Sheriff or Undersheriff, Constable, or other Officer shall advertise the said Goods or Chattels for Four Days at least and sell the same at public Vendue, and pay unto the said Mortgagee the Debt and Interest thereon due, and retain in his Hands the Sum of nine Pence for every Pound for his Trouble of taking, advertising and selling the said Goods or Chattels and return the Overplus if any there be to the Owner of the next prior Bill of Sale if any there be, but if there be none, to the Owner of the said Goods or Chattels.

Manner of recovery, upon Bills of Sale after due.

How advertised and sold.

Fees therefor.

Discharge  
of regis-  
tered Bills  
of Sale.

Certificate  
of dis-  
charge,  
how  
proved.

Entry of  
Discharge  
in Regis-  
try Book.

Fees of  
Clerk  
therefor.

Bills of  
Sale  
hereafter  
given, to be  
recorded.

Act, to be  
read in  
first Court  
of Ses-  
sions.

To con-  
tinue in  
force to  
Feb. 1, 1788.

*And be it further Enacted by the Authority aforesaid, That whenever any Bill of Sale, so registered as aforesaid (that has or shall be given by way of Mortgage or Collateral Security) shall be redeemed paid off and discharged, the Clerks of the respective Towns and Precincts in the Counties aforesaid on Application to them made, by the Person or Persons giving, or the Persons redeeming, paying off and discharging the same and producing a Certificate to the respective Clerks of the respective Towns and Precincts in the Counties of Queens, Orange and Dutchess or the County Clerk of the City and County of Albany, and the Clerk of the Counties of Richmond and Kings signed by the Person or Persons to whom the same was given, his, her or their Executors Administrators or Assigns and acknowledged by the Party or Parties signing the same or proved by the Oath of one or more of the Witnesses thereto, before one of the said Judges or Justices shall and they are hereby required to enter in the aforesaid Book or Register of Bills of Sale a Minute of the said Discharge or Discharges, for which entry the respective Clerks shall have and receive the Sum of nine pence and no more, which Minute so entered, shall be deemed and taken and hereby is declared to be a full, perfect and absolute Discharge of every such Bill of Sale.*

*Provided always And be it further Enacted by the Authority aforesaid, That no Bill of Sale hereafter given or executed for the uses aforesaid shall be of any Effect whatsoever until the same be recorded agreeable to the Directions of this Act*

*And be it also further Enacted by the Authority aforesaid, That the Clerks of the several Counties aforesaid shall publicly read this Act, in the first Court of Sessions of the Peace for their said respective Counties, next after the passing hereof*

*And be it further Enacted by the Authority aforesaid, That this Act shall continue and be in Force from the passing hereof until the first Day of February which will be in the Year of our Lord One Thousand seven Hundred and Eighty five, and from thence to the End of the then next Sessions of the General Assembly.*

## Chapter CXXV.

(CHAP. 78. LAWS OF 1775.)

**AN ACT to enable the Persons therein named to build a free draw Bridge over the Narrows from Mineford's Island to Rodman's Neck.**

PASSED the 3d of April 1775.

*Preamble*

**WHEREAS** a free draw Bridge over the Narrows from Rodman's Neck to Mineford's Island in the Manor of Pelham in the County of West Chester, will considerably shorten the Distance of the present Ferry from Rodman's Neck to Great Neck on Long Island, as the said Ferry may then with great Convenience be kept on Mineford's Island aforesaid; and will moreover afford a convenient and proper Station for taking great Quantities of Fish with Nets and Fikes, which will give considerable Employment and Relief to the Poor in the Neighbourhood of the said Bridge, and lessen the Price of that useful Article in the Markets of the City of New York

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That Samuel Rodman Senior, and Benjamin Palmer both of the said Manor of Pelham and County of West Chester shall be, and they are hereby impowered to erect and build a draw Bridge over the said Narrows from Rodman's Neck to Minifords Island aforesaid in such Place as they the said Samuel Rodman Senior and Benjamin Palmer shall judge most fit, *Provided* that in such Bridge there shall be two or more Apertures of at least twenty five Feet each, for the Convenience of navigating the said River by small Boats: And the said Bridge when so built shall be and is hereby declared to be a free and public Highway for the Use Benefit and Behoof of all his Majesty's Subjects whatsoever.

Erection  
of Draw  
Bridge  
author-  
ized.

Manner of  
Construc-  
tion.

Bridge, to  
be a free  
bridge.

*And be it further Enacted by the Authority aforesaid,* That the said Bridge shall be erected and built in the Space of Seven Years after the passing hereof, or in Default thereof, that this Act and every Thing therein contained shall be Null and Void, any Thing herein before contained to the contrary thereof notwithstanding.

Act, when  
to become  
Null and  
Void.

## Chapter CXXVI.

(CHAP. 74, LAWS OF 1775.)

AN ACT to enable Jesse Hunt to erect and build a Bridge from Applegate Island to the Public Highway on the Main Land opposite the said Island.

PASSED the 3d of April 1775.

WHEREAS the building of a Bridge from Applegate Island to the Public Highway on the Main Land opposite the said Island in West Chester County will greatly tend to the Ease and Convenience of Persons having intercourse between the said Island and the Main Land.

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That Jesse Hunt of the City of New York Mariner shall be, and is hereby, impowered at any time within five Years from the passing of this Act, to erect and build a Bridge from Applegate Island to the Public Highway on the Main Land opposite the said Island, where the Highway from said Island to the Main Land is now used and laid out, in such Manner as he the said Jesse Hunt shall judge most fit.

Bridge,  
from  
Applegate  
Island to  
Main land,  
author-  
ized.

*And be it further Enacted by the Authority aforesaid,* That the said Bridge when so built shall be a free and common Bridge for the Use and Benefit of all Persons having any intercourse between the said Island and the Main Land.

Bridge to  
be a free  
bridge.

## Chapter CXXVII.

(CHAP. 75, LAWS OF 1775.)

AN ACT to amend an Act entitled "An Act for emitting the Sum of one hundred and twenty thousand Pounds in Bills of Credit to be put out on Loan and to appropriate the Interest arising thereon to the Payment of the Debts of this Colony and to such Public Exigencies as the Circumstances of this Colony may from Time to Time render necessary," so far only as it relates to the County of Suffolk.

PASSED the 3rd of April 1775.

**Preamble.** WHEREAS it is enacted in the said Act that the mortgaged Premises, the Equity of Redemption of which may be foreclosed shall be exposed to sale by the Loan Officers on the last Tuesday in June Yearly at the Court House of the respective Counties where the Lands lie, by way of Public Vendue to the highest Bidder, which has been found very inconvenient in that extensive County, both for the Attendance of the Loan Officers and Bidders for such Lands and detrimental to the sale thereof, and thereby many Deficiencies may fall upon the County,

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That whenever the Equity of Redemption of any such Lands shall be foreclosed in the Manner directed in the aforesaid Act, that then it shall and may be lawful for the Loan Officers or one of them by the Consent and Approbation of the other to sell all such Lands either at the Court House in the said County, or in such Town Manor Precinct or District in which the Lands do lie having first duly observed the Directions in the said Act previous to the Sale thereof, and if it shall appear to the said Loan Officers upon good and sufficient Reasons, that the mortgaged Premises are not a sufficient Security for the Monies advanced thereon, that then the Loan Officers may sell the same and also prosecute an Action or Actions of Debt as shall appear to them most expedient for the Recovery of the Monies so advanced upon Loan, any Thing in the said Act contained to the contrary thereof in any wise notwithstanding.*

Loan officers, may sell certain mortgaged premises, at Court House or upon premises.

May also prosecute Actions of Debt.

## Chapter CXXVIII.

(CHAP. 76, LAWS OF 1775.)

AN ACT for erecting the Tract of Land therein mentioned in the County of Tryon, into one Separate District by the Name of Old England District.

PASSED the 3rd of April 1775

**Preamble.** WHEREAS it has been represented to the General Assembly That the erecting the following Tract of Land into one separate District would tend greatly to the Ease and Convenience of the People settled thereon,

who by reason of their remote Distance from any Place of Election, and from the Residence of District Officers, cannot without great Trouble and Expence perform the Duties to which the Inhabitants of Districts are made subject by sundry Acts of the Legislature, and by that Means also are deprived of the beneficial Regulations established thereby; for Remedy whereof,

*Be it Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same,* That from and after the passing of this Act, all and singular that certain Tract of Land within the County of Tryon, Beginning at the Head Water of the Lake Otsego in the Patent commonly called the Otsego Patent granted to George Croghan and others, thence along the Northerly Bounds of the said Patent to the North West Corner thereof, thence extending Westerly to the River Tianaderha, so as to include the Patents granted to William and Robert Edminston Esquires, thence down the said River to its Junction with the Susquehannah River, thence across the said River to the South West Corner of the Patent granted to Alexander Wallace and others, thence continuing along the South Bounds to the South East Corner thereof, and thence continuing along the Bounds of the said Patent to the said River Susquehannah, and then up the said River to the Place of Beginning, shall be and hereby is formed and erected into one Separate and distinct District which shall henceforth be called and known by the Name of Old England District.

*And be it also enacted by the same Authority,* That the Freeholders and Inhabitants of the said District, are hereby required and authorized yearly and every year upon the first Tuesday in May to elect and appoint one Freeholder to be a Supervisor, two Freeholders to be Assessors, one Freeholder to be Collector, two Freeholders to be Overseers of the Poor, two Constables, two Fence Viewers and one Clerk, which said Supervisor Assessors, Collector, Overseers of the Poor, Constables, Fence Viewers and Clerk, shall have the same Powers and Authority, and be subject to the same Regulations, and liable to the same Pains and Penalties as the Supervisors Assessors Collectors, Overseers of the Poor, Constables, Fence Viewers and Clerk, have or are liable to in and by a certain Act made and passed the twenty fourth Day of March one thousand seven hundred and seventy two entitled, "An Act to divide the Counties of Albany and Tryon into Districts," and also in and by one certain other Act passed in the Year one thousand seven hundred and three entitled, "An Act for the better explaining and more effectual putting in Execution an Act of General Assembly made in the third Year of the Reign of their late Majesties King William and Queen Mary entitled An Act for defraying the Public and necessary Charge throughout this Colony and for maintaining the Poor and preventing Vagabonds."

*And Be it further Enacted by the Authority aforesaid,* That the first Election for the said several Officers shall be held at Smiths Hall within the said District, after which such Elections may be carried on at such Place as the Freeholders and Inhabitants shall from Time to Time by major Voice appoint.

*And be it further Enacted by the same Authority,* That John Johnson, John Hicks, Increase Thurston, Samuel Gardner, and Ralf Falkner Senior shall be and hereby are appointed Commissioners of the Highways in and for the said District and shall have like Powers and Authority, be subject to the same Regulations, and be liable to the same Pains and Penalties as Commissioners of Highways have and are

Old Eng-  
land Dis-  
trict,  
bounds of.

Annual  
election of  
District  
officers.

Their  
powers  
and liabil-  
ities.

First elec-  
tion, where  
held.  
Subse-  
quent  
elections.

Commis-  
sioners of  
Highways,  
for dis-  
trict, ap-  
pointed.

Their  
powers  
and liabil-  
ities.

Certain  
Acts ex-  
tended to  
District.

subject and liable to in and by one certain Act made and passed this present Session of the General Assembly entitled "An Act for the better laying out regulating and keeping in Repair the Public Roads and Highways in the City and County of Albany and County of Tryon," which said Act as well as the other Acts herein mentioned, are hereby extended to the said District hereby enacted in as full and ample a Manner as the same affects any District therein mentioned, or as if the said hereby erected District had been particularly mentioned in the said Acts or any of them.



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NOTE.—Laws from Chapters I to LII, pages 5 to 85, both inclusive herein, comprise the Colonial Laws of 1774. Laws from Chapters LIII to CXXVIII, pages 86 to 214, both inclusive herein, comprise the Colonial Laws of 1775.

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